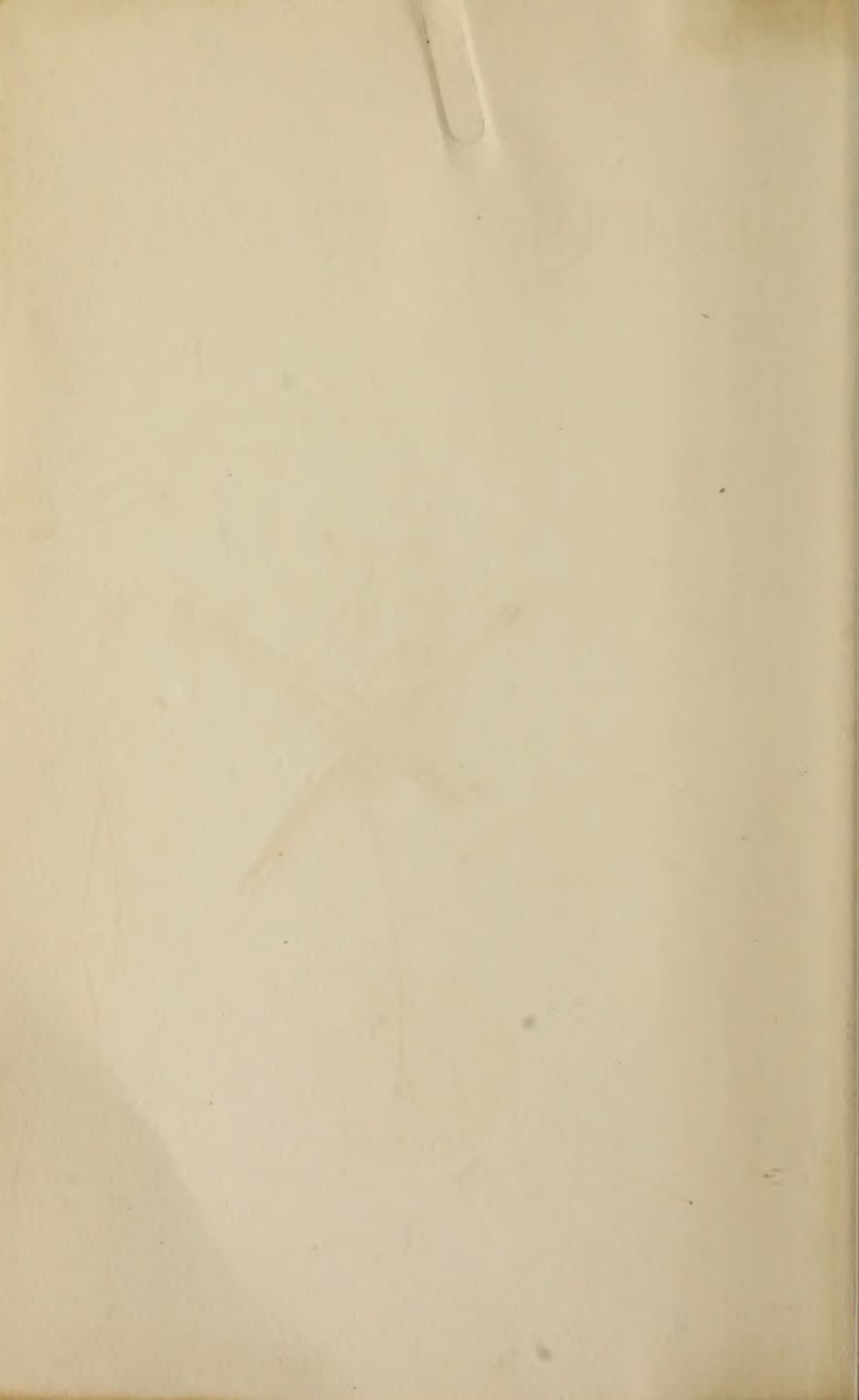




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THE
JOURNAL OF THE SENATE

DURING THE

THIRTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA,

1909.

Began on Monday, January Fourth, and ended on Wednesday,
March Twenty-fourth, Nineteen Hundred and Nine.



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1909.

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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-EIGHTH SESSION.

SENATE CHAMBER,
Monday, January 4, 1909.

The hour of twelve o'clock M. having arrived, Hon. Warren R. Porter, Lieutenant-Governor and President of the Senate, called the Senators and Senators-elect to order, and announced that the thirty-eighth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the thirty-seventh session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Lewis A. Hilborn, Secretary; G. Ray Horton, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms.

PRAYER.

By invitation of the President, prayer was then offered by the Rev. C. H. Darling of Shasta County.

MOTION.

Senator Leavitt moved that the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State. Motion carried.

CERTIFICATE FROM SECRETARY OF STATE.

The President directed the Secretary to read the certificate received from the Secretary of State.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify, that the following is a complete list of the hold-over Senators, together with those duly elected at the general election, held on the 3d day of November, A. D. 1908, to represent the people of the State of California at the thirty-eighth session of the Legislature of the said State of California, as appears from the statement of vote, received from the County Clerks of the county or counties, and the Registrar of Voters of the City and County of San Francisco, comprising the several Senatorial districts of the State of California, said statement of vote being of record and on file in this office.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this 4th day of January, A. D. 1909.

C. F. CURRY, Secretary of State.

NAMES OF SENATORS.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

Second District—Modoc, Lassen, Siskiyou, Shasta: Abner Weed.
Fourth District—Lake, Mendocino, Colusa, Glenn: J. B. Sanford.
Sixth District—Butte, Sutter, Yolo, Yuba: Albert E. Boynton.
Eighth District—Sonoma: Walter F. Price.
Tenth District—Alpine, Amador, Calaveras, El Dorado, Mono: A. Caminetti.
Twelfth District—Madera, Mariposa, Merced, Stanislaus, Tuolumne: J. B. Curtin.
Fourteenth District—Alameda: J. Clem Bates.
Sixteenth District—Alameda: Frank W. Leavitt.
Eighteenth District—San Francisco: Daniel J. Reily.
Twentieth District—San Francisco: Thomas J. Kennedy.
Twenty-second District—San Francisco: Gus Hartman.
Twenty-fourth District—San Francisco, Marc Anthony.
Twenty-sixth District—Fresno: Geo. W. Cartwright.
Twenty-eighth District—Santa Clara: Marshall Black.
Thirtieth District—Inyo, San Bernardino: Henry M. Willis.
Thirty-second District—Kern, Kings, Tulare: E. O. Miller.
Thirty-fourth District—Los Angeles: William H. Savage.
Thirty-sixth District—Los Angeles: Charles W. Bell.
Thirty-eighth District—Los Angeles: H. S. G. McCartney.
Fortieth District—San Diego: Leroy A. Wright.

SENATORS-ELECT.

First District—Del Norte, Humboldt, Trinity, Tehama: Charles P. Cutten.
Third District—Plumas, Sierra, Nevada, Placer: E. S. Birdsall.
Fifth District—Napa, Solano: B. F. Rush.
Seventh District—Sacramento: Charles B. Bills.
Ninth District—Contra Costa, Marin: E. B. Martinelli.
Eleventh District—San Joaquin: John T. Lewis.
Thirteenth District—Alameda: Edward K. Strobbridge.
Fifteenth District—Alameda: John W. Stetson.
Seventeenth District—San Francisco: Thos. F. Finn.
Nineteenth District—San Francisco: R. J. Welch.
Twenty-first District—San Francisco: Edw. I. Wolfe.
Twenty-third District—San Francisco: John P. Hare.
Twenty-fifth District—San Francisco: Lester G. Burnett.
Twenty-seventh District—Santa Clara: Geo. S. Walker.
Twenty-ninth District—Santa Cruz, San Mateo: James B. Holohan.
Thirty-first District—Monterey, San Benito, San Louis Obispo: A. E. Campbell.
Thirty-third District—Santa Barbara, Ventura: L. H. Roseberry.
Thirty-fifth District—Los Angeles: Newton W. Thompson.
Thirty-seventh District—Los Angeles: H. H. Hurd.
Thirty-ninth District—Orange, Riverside: M. Estudillo.

Ordered on file.

The President directed the Secretary to call the roll of the hold-over Senators.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Kennedy, Leavitt, McCartney, Price, Reily, Sanford, Savage, Weed, Willis, and Wright—19.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Bills, Birdsall, Burnett, Campbell, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—20.

The President thereupon announced that the roll call disclosed twenty Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE ADMINISTERED.

The members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. Warren R. Porter, Lieutenant-Governor, President of the Senate:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

The President announced the qualification of all the Senators, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Mrs. Frances Hanson.

Gatekeepers—J. P. Fraser, Charles Page, and L. J. Christler.

Pages—Frank Branch, William Saunders, and Wallace Strait.

APPOINTMENT BY SERGEANT-AT-ARMS.

The Sergeant-at-Arms of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointment of attaché for the temporary organization of the Senate:

Assistant Sergeant-at-Arms—Joseph G. McCall.

TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

By Senator Willis:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:

President pro tem.

Secretary.

Sergeant-at-Arms.

Minute Clerk.

Chaplain.

Resolution read and adopted.

The President thereupon declared nominations for the office of President pro tem. of the Senate in order.

NOMINATION FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Willis placed in nomination for the office of President pro tem. of the Senate, the Hon. Edward I. Wolfe of San Francisco, State Senator from the Twenty-first District.

The nomination of Senator Wolfe was seconded by Senator Wright.

Senator Sanford placed in nomination the Hon. J. B. Curtin of Sonoma, State Senator from the Twelfth Senatorial District.

The President put the question, "Are there any further nominations for President pro tem. of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Wolfe.—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

For Curtin.—Senators Caminetti, Campbell, Cartwright, Hare, Holohan, Kennedy, Sanford, and Wolfe—8.

Whereupon the President declared Senator Wolfe duly elected President pro tem. of the Senate for the thirty-eighth session of the Legislature.

PRESIDENT PRO TEM. WOLFE ESCORTED TO THE CHAIR.

The President of the Senate appointed Senators Leavitt and Curtin as a committee to escort President pro tem. Wolfe to the chair.

The President pro tem. thanked the Senators for the honor conferred upon him.

At twelve o'clock and thirty minutes p. m., Lieutenant-Governor Warren R. Porter in the chair.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Leavitt placed the name of Lewis A. Hilborn of the City and County of San Francisco in nomination for Secretary of the Senate.

The nomination of Lewis A. Hilborn was seconded by Senators Boynton and Sanford.

The President put the question, "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The President directed the Minute Clerk, G. Ray Horton, to call the roll.

The roll was called, with the following result:

For Hilborn.—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Whereupon the President declared Lewis A. Hilborn duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Wolfe placed the name of J. Louis Martin of Alameda County in nomination for Sergeant-at-Arms of the Senate.

The nomination of J. Louis Martin was seconded by Senator Cartwright.

The President put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Martin—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Whereupon the President declared J. Louis Martin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.

The President declared nominations for Minute Clerk of the Senate in order.

Senator Thompson placed the name of W. H. Wright of Los Angeles County in nomination for Minute Clerk of the Senate.

The President put the question, "Are there any other nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Wright—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Whereupon the President declared W. H. Wright duly and unanimously elected Minute Clerk of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Wolfe placed the name of the Rev. Father Henry H. Wyman of the City and County of San Francisco in nomination for Chaplain of the Senate.

The nomination was seconded by Senators Hartman and Curtin.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Wyman—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Whereupon the President declared Rev. Father Henry H. Wyman duly and unanimously elected Chaplain of the Senate.

RESOLUTION.

The following resolution was offered:

By Senator Price:

Resolved, That the standing rules of the Senate of the thirty-seventh session of the Legislature of the State of California be and they are hereby adopted as the temporary rules of the Senate for the thirty-eighth session, excepting Rule 8, and amending Rule 1 to read as follows:

The sessions of the Senate shall be daily, Sunday excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

TEMPORARY RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily, Sunday excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Privileges.*

The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of the Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To certify to and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the attaches and employees the duties pertaining to their offices.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a clerkship of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. *The Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. *What Shall be Printed in the Journal.*

Messsages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. *When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

27. *Introduction and Reading of Bills.*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes, dispense with this provision), and the last reading shall be at length.

The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be read at once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate.

30. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

31. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. *Committees—When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. *Standing Committees, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

37. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

40. *Engrossed Bills Have Preference.*

All bills, after the second reading, if the same be not committed then upon being reported, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

42. *Order of Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. *Amendments and Substitutes When in Order.*

Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. *Amendments and Substitutes Must be Germaine.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. *Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Laws Enacted.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

50. *Reconsideration of Bills Sent to Assembly.*

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. *Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the assembly.

52. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. *Amendments to Original Question.*

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part inserted shall each be regarded; for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be, "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

56. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. *Ayes and Noes; Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. *Messengers—When Introduced.*

Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Smoking.*

No smoking shall be allowed within the Senate Chamber.

63. *Cases Not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Amendment to Rule 49 (adopted March 6, 1905, as follows):

Amend Rule 49 of Senate rules, by adding the following: "*Provided*, there shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration."

RESOLUTIONS.

By Senator Bates:

Resolved That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—Hon. E. I. Wolfe.

Secretary of Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—W. H. Wright.

Chaplain—Rev. Father H. H. Wyman.

Resolution read and adopted.

By Senator Wolfe:

Resolved That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Wolfe, Hurd, and Curtin to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

LEAVE OF ABSENCE.

Senator Miller, on motion of Senator Sanford, was granted leave of absence until Monday, the eleventh day of January, 1909.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until four o'clock P. M.

RECONVENED.

At four o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 4, 1909.

MR. PRESIDENT: Your special committee appointed to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make, respectfully reports that they have communicated with the Governor as directed, and that His Excellency notified the committee that he would communicate with the Senate at his earliest convenience, likely to-morrow morning.

WOLFE, Chairman.

The special committee was thereupon discharged.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Wright, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, January 5, 1909.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 5, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsell, Black, Boynton, Burnett, Cammerath, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rely, Rosenger, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wiers, Wolfe, and Wright - 39

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal on Monday, January 4, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

BIENNIAL MESSAGE FROM THE GOVERNOR.

On motion of Senator Wright, the following Biennial Message from the Governor was read and ordered printed in the Journal:

FIRST BIENNIAL MESSAGE OF GOVERNOR JAMES N. GILLETTE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, JANUARY 4, 1909.

To the Senate and Assembly of the State of California:

The constitution provides that the Governor shall, by message, communicate to the legislature at every session thereof the condition of the State and recommend such matters as he shall deem expedient.

Our State is in a most flourishing condition. The financial stringency that prevailed a little over one year ago has passed away, and to-day we find our citizens busily engaged in all manner of enterprises. A bountiful harvest has added largely to our material wealth, our mines have yielded their usual amount of minerals, our commerce and trade have increased in volume, our cities have grown larger and many people have settled in our valleys and along our coast, and to-day a general air of prosperity pervades the entire State. All of our State institutions are doing well, and only harmony prevails among them. The damages sustained by some, by reason of the earthquake, are being repaired.

Financially the State has never been in better condition. At the end of the fiscal year June 30, 1908, there was a balance in the treasury of \$7,305,045.96. Of this amount there was, on September 28th, loaned out to the various banks of this State, as authorized by an act of the last legislature, the sum of \$4,257,350, for which a yearly interest of about \$85,000 is being paid.

STATE HOSPITALS.

The State Hospital at Agnews was entirely destroyed, and there is now being constructed at that place one of the finest and best equipped institutions of its kind which can be found anywhere. At other institutions for the insane fine cottages are being built which will add to their convenience and will be of great advantage in the care and proper treatment of acute cases.

The State Hospitals on June 30, 1908, had 6,555 patients, an increase of 565 in the two years since the last report was issued. This is an average increase each year for the last two years of 282 patients. It will be found that the largest proportion of the increase, 333, was made in the year ending June 30, 1908. The average annual increase of the hospital population in the five years ending June 30, 1908, has been

155. For the five years ending June 30, 1903, the average annual increase was 118. The new patients received at the hospital for the two years ending June 30, 1908, numbered 3,019, the largest number received in any two-year period since the opening of the hospitals.

The number of new cases admitted to the hospitals is of much more importance in indicating the prevalence of insanity in a State than the numbers resident in the hospitals. Comparing the admissions of the last two years with previous biennial periods the figures are as follows:

1902 to 1904, admissions.....	2,582
1904 to 1906, admissions.....	2,939
1906 to 1908, admissions.....	3,019

Taking the figures adopted by the State Board of Health, 2,001,193, as the population of the State, we had in the State Hospitals on June 30, 1908, one insane person to every 395 of the general population. This is a much better showing for the State than in 1902, when the proportion was one in every 281. Since 1900 our insane population in State Hospitals has increased 24 per cent, while our general population has increased 33 per cent.

The total cost for maintenance, salaries and wages for the two years ending June 30, 1908, the fifty-eighth and fifty-ninth, was for the fifty-eighth fiscal year \$885,023.99, for the fifty-ninth fiscal year \$952,184.03, or a total for the two years of \$1,837,208.02. This sum does not represent the entire amount used for maintenance. The contracts for supplies let in June, 1907, for the fifty-ninth fiscal year, showed an advance in the main supplies used in the hospitals in some cases of 50 per cent.

Flour advanced 19 per cent.

Beef advanced 13 per cent.

Fuel oil advanced 50 per cent.

The above articles are given only as indications and because they are very large items of expense. With few exceptions the expenses have advanced in every line. Such an advance in cost of supplies was unexpected, and though appropriations were liberal they have been obliged to call upon the contingent fund to help out their support.

The total expenditures of the hospitals from support, salaries, and contingent funds for the two years ending June 30, 1908, were as follows:

Fifty-eighth fiscal year	\$1,001,007 21
Fifty-ninth fiscal year	1,073,117 32

The average annual cost of one patient for the five hospitals, including all expenditures excepting those made for permanent improvements, was \$178.

The total expenditures of the Home for Feeble-Minded Children for the two years were as follows:

Support and salaries, fifty-eighth fiscal year.....	\$116,766 56
Support and salaries, fifty-ninth fiscal year.....	137,895 18

At least three of our hospitals, Stockton, Napa, and Southern California, are obliged to care for more patients than they are able to accommodate properly. Additional buildings are imperatively needed at these hospitals. Agnews will be opened with a capacity of 900 on July 1, 1909.

SAN FRANCISCO HARBOR.

A large amount of work is being done on the water front in San Francisco in extending the seawall and in building new wharves and docks. The Harbor Commissioners of that port have managed its affairs exceedingly well, and to the entire satisfaction of the shipping and commercial interests of the State. They are making fine and lasting improvements, and are now constructing steel and concrete wharves and docks, which, when completed, will equal any that can be found in any seaport city in the world. The water front is now being conducted on strictly business principles and no favoritism is shown to shipper or contractor. The belt railroad skirting the water front north of Market street is meeting with splendid success in a financial way and in the moving of freight, and it should be extended south of Market street so as to connect with the railroads and places of business existing in the southern portion of the city. This administration feels justly proud of the splendid management of the water front of San Francisco during the last two years.

The Commissioners have established a free market north of Market street, and another one should be established south of it to accommodate that section of the city. Eventually these markets will be a great benefit to the farmers and orchardists who look to San Francisco for a market, and also to the citizens of San Francisco.

STATE PRINTING OFFICE.

There will soon have to be built a new printing office, as the present one is dangerous and not suitable for the purpose for which it is being used.

The printing office has always been a large expense to the State, and its printing, as a rule, has cost more than if it had been contracted for by private concerns. One reason has been that the office has not been properly equipped with up-to-date presses,

machinery, and appliances. If we are going to maintain such an office, and it seems the policy of our State to do so, then we should place in it the best equipment that can be secured.

Two years ago I complained to the State Printer about the excessive cost of printing, and he promised then to endeavor to secure better results, and I am pleased to note that he has. To show the great saving that can be made, if proper machinery and appliances are installed, I desire to call your attention to the difference in the cost per page in printing the Secretary of State's report for the year 1906, compared with the present year, 1908. In 1906 it cost \$9.06 per page, and in 1908 \$4.50 per page. The reason for this great reduction is that the entire report this year was set on Mergenthaler machines, whereas in 1906 the work was done by hand.

Another splendid reason why the printing office should have the best of equipment is shown by the remarkable increase in the assets of the School Book Fund. On January 5, 1903, the assets of this fund amounted to \$127,671, and on Jan. 30, 1908, it amounted to \$260,957, an increase in five and one half years of \$223,286, all of which has been largely brought about by the use of labor saving machinery installed during Mr. Shannon's first term.

The Superintendent of State Printing proposes to ask you for an appropriation to purchase three Mergenthaler machines, a gathering machine, a cutting machine, two Miehle presses, a cloth-cutting machine, and several other machines that are necessary, and all of which I approve, if we are to continue the printing office any longer. There is no use making the State Printing Office the storeroom of old junk and out-of-date machinery. If it is to be run at all it should have the best and latest machinery. Then the one in charge can give no excuse for excessive cost of printing.

STATE PRISONS.

Our State Prisons are being carefully and economically managed, and the very best of order and discipline exist in both. The building for the criminal institute now under course of construction at Folsom will soon be completed and ready for occupancy. The prison wall around Folsom, which was very much needed, is satisfactorily progressing.

Plans have been adopted for a new prison building at San Quentin and the same is now being constructed. When this building is completed the congested condition existing there will be relieved, and we will have a very much needed up-to-date prison.

At the close of the fifty-eighth fiscal year there were 1,549 prisoners at San Quentin, and at the close of the last fiscal year the number had increased to 1,702, a gain of 153.

The Board of Prison Directors, in their biennial report to me, make a statement concerning the sale of jute grain bags, which is as follows: "We regret to report that the sale of grain bags during the past year has been much below the usual number, and, as a consequence, we have had to carry over from last year an excess of more than 2,000,000 bags. The reason we have been unable to dispose of this useful product of the jute mill has not been due to the fact that the price was excessive, but may be ascribed to the fact that the last legislature passed a law limiting our action and placing so many restrictions on the sales of bags that it is almost impossible to dispose of them. We believe the law defeats its own purpose. We believe that this law should be repealed and that the matter of the sale of the jute mill product at San Quentin should be entrusted to this board, giving them power to make rules and regulations for the sale of grain bags, subject to the approval of an advisory board consisting of the Governor, the Secretary of State, and the Attorney General." If the law passed by the last legislature has had the effect of preventing the sales of grain bags because of its provisions, then I recommend that the question of amending the bill as suggested by the Board of Prison Directors be considered.

At the commencement of my term of office I found many applications for clemency not acted upon by preceding Governors. In addition, there have been several hundred new applications made. To properly pass upon these, so that justice might be done, would occupy the entire time of the Executive to the exclusion of all other business. As a consequence, many cases fail to receive the attention they deserve, and some mistakes are necessarily made.

Our credit system furnishes a constant incentive to good conduct on the part of a prisoner. It may be accepted as a fact that a convict while under restraint, freed from the ordinary temptations of life, closely conforms to the prison rules. His daily gain of credits, his hope of parole and ultimate pardon, all tend to restrain him from wrongful acts.

Our present prison management, conducted along humane lines, working solely toward the material and moral welfare of those in their charge, has given this office extreme gratification. We must also attempt to devise a system which will tend to aid and assist a discharged prisoner to gain and retain the respect of his fellowmen.

The ordinary prisoner, upon release, is given clothing, five dollars, and a ticket to the place from whence he came. He may leave the prison with the best intentions, fully determined to redeem his past and regain his former standing among men. It is a matter of common knowledge, how society lines up against him, how he is hounded from pillar to post, branded as an outcast, until finally, losing all hope, he is driven back to crime and prison.

The parole system overcomes much of this. The prisoner goes directly from the prison to employment. He must refrain from entering saloons, or drinking liquor, must avoid evil companions and be frugal and saving. The good results of this system have been manifest. One paroled prisoner whom I pardoned had accumulated \$3,500 worth of property; another, now on parole, I understand has \$4,500 deposited in a bank. The combined bank deposits of all paroled prisoners aggregate \$39,776.03, a most creditable showing, in view of the fact that few have been on parole more than two years and many but a few months. At the same time, their conduct has been such that infractions of the rules have been reduced to the minimum. Less than 10 per cent have violated their parole since the adoption of this system, while 90 per cent have made good, and are now conducting themselves as honest, upright, and industrious men.

So striking were the results attained by this system, that I adopted the rule, as an additional incentive, that all paroled prisoners who conducted themselves as honest and upright men for a period of not less than two years, should receive a pardon after recommendation therefor by the Board of Prison Directors.

At the same time I adopted the further rule that no person eligible to parole, other than one establishing his innocence of crime, should be pardoned until he had first applied for and received a parole. The advantages of this rule are manifest. It places pardons under the merit system, removing all question of undue influence or improper motives. A prisoner receives his parole solely because his prison life has been such as to justify the prison board and prison officers in believing his conduct outside the prison walls will be commendable, and that he will make good in every respect. He receives his pardon because he has shown that their confidence was not misplaced. Both parole and pardon are based upon previous good conduct and nothing else.

Under our laws, the only prisoners eligible to parole are first termers. A second termor can not be paroled. This should be remedied. Equal privileges should be extended to all classes of prisoners, leaving to the Prison Board the determination of the suitability of the particular individual to receive parole. There is no reason to believe that this Board will abuse any discretion reposed in it, and there is much reason to expect good results from the release of many second termers under the wise provisions of the parole laws and regulations.

Prisoners confined in county jails and city prisons can only be released after sentence, by pardon or commutation at the hands of the Governor. Many of these cases are meritorious, but the method of procedure is entirely too cumbersome, and the results in many cases unsatisfactory. Even when properly presented, the Executive is placed at a great disadvantage in giving a correct judgment. Some simpler means for obtaining a release, beneficial alike to the prisoner and to the people, should be provided. I would suggest that laws be passed vesting in county boards of supervisors and municipal legislative officers the power, under appropriate regulations and conditions, to parole prisoners confined in county jails or city prisons.

STATE ENGINEERING DEPARTMENT.

At the last regular session of the legislature an act was passed consolidating the Department of Highways and the Board of Public Works under the name of Department of Engineering. In addition to the duties devolving upon these former commissions there was delegated to said Department the duty of providing plans and specifications for and supervising all State work of every kind and character. As State Engineer, I appointed Nathaniel Ellery, former Commissioner of Highways. He immediately proceeded to organize the different departments under one general head. On account of inadequate office accommodations, the vast amount of new work due to the earthquake, the many new buildings provided for by law, and the necessity of carrying on work already undertaken by the former commission, his task has been herculean. At the present time, however, much of the work has been completed, and with one or two exceptions the balance is under construction.

A fair idea of the enormous amount of work devolving upon this Department may be had by the statement that plans and specifications, with full detailed drawings, have been prepared for fifty-nine buildings at an estimated cost of construction of \$2,769,782. In addition thereto, many other public works have been undertaken by this Department, notably the dams at Napa and the Veterans' Home, a water tank at Mendocino, a steel smoke stack and oil tanks at Agnews, and alterations in the San Francisco Ferry Building, besides all river and road work provided for by past legislatures.

In preparing plans and specifications the Department has exercised extreme care, and made the same most complete. Detail drawings, which are usually omitted by architects, have been prepared in every instance.

As an illustration of the thoroughness of this feature, I may say that upon the contract work at Agnews, amounting to over \$500,000, the extra work will be considerably less than \$1,000. This matter of extra work has been a source of great expense to the State and much criticism by the public. It is the means ordinarily resorted to by the contractor to make the State upon public work, and I am happy to say that under this Department it has been practically eliminated. Detail drawings are usually prepared by the contractor and the cost of such preparation is figured as a part of

the contract price. The completeness of the plans furnished by this Department is shown by the fact that where similar work has been done for the State and twelve sheets of drawings have been furnished, this Department has supplied twenty-five. The drawings at the State Normal School at San Jose alone covered 125 sheets. This has enabled contractors to estimate more closely the probable cost of buildings and have been most elaborate and thorough, yet the cost has been kept well within the ordinary charges of architects. Upon new work the private architects' fees are 5 per cent, and would have been \$138,189 for the new buildings planned for the State. The expenses for architectural services under the Department of Engineering upon the above buildings have been \$71,307, with a resultant saving to the State of \$67,182.

In addition thereto, through the purchase of cement, there has been a further saving of \$83,000, basing the ordinary price of cement at \$2.10 a barrel in our local lots. These two items alone have justified the creation of this Department.

River and road work has been forwarded with like economy. The Kripp break, 1,600 feet long, was closed for \$8,448; Braunion Island break, 3,000 feet, for \$22,081. Only one half of the cost of each was paid by the State.

In dredging it is possible to compare the work with that done in the past by the State and United States. The cost of dredging under the Engineering Department in San Rafael Creek was .0589 cents a cubic yard; at Yuba cut-off it is .0785. The State paid, in years past, 12 1/2 cents on the San Joaquin cut-off and 15 cents a yard at Snaggy Bend. Under the government of the United States the cost of dredging in the Mormon Channel was 14 cents a cubic yard.

All our State roads are being constructed in mountainous regions, where, from necessity, the season for work is short. Progress, however, has been as rapid as could be expected. Upon the Kings River road an experiment in construction has been made by the purchase of a steam shovel. This seems destined to work a tremendous saving in road work. Although only in use one month, the saving in labor has been approximately 40 per cent under hand labor. With the steam shovel the road is cut straightened. Points in the road are cut through, instead of going around, and cuts are made with the material excavated. The labor cost per mile with the shovel was \$1,330, as compared with \$2,330 by hand.

The report of the State Engineer has recommended some changes in the law relating to his Department. These are all worthy of consideration.

I would recommend that the Department have full and absolute control of all work done by day labor, and particularly the purchasing of supplies therefor. Day labor is only resorted to when, in the opinion of the State Engineer, the contract price is too high. If he undertakes to do the work for less than the lowest bidder, he should be placed in a position where he can take advantage of all matters affecting the cost of the work. Under the present law, the purchase of materials, is done by the particular institution having the work performed. Their buyer is generally unfamiliar with prices of construction materials, and may seriously handicap the Department in economical results.

The Engineer has also recommended further additions to the statutory employees. These men are now employed, but are paid by the institutions requiring the work, in proportion to the time devoted to the particular service. It has been found, however, that work is required in many instances where no appropriation has been made. In such cases there is no way to pay for such services. The Engineering Department is compelled to pay for the same from their contingent fund or refuse to do the work. This has resulted in a depletion of the contingent fund. As these men must be retained, their employment should be of a character which will permit the State to secure full measure and the best results from such service.

Another matter that has prevented the Department from securing the best results has arisen from the present method of paying employees other than those mentioned by statute. At present their claims are prepared by the Department and forwarded to the institution for which the work is being done. At a subsequent meeting of the managers or trustees such claims are allowed. This all requires time, and where work is only partially completed these delays sometimes cover months. All this is most unsatisfactory. It can be obviated by creating a revolving fund of \$10,000 for the payment of employees at stated intervals, such fund to be replenished by the payment of the amounts due for labor upon public work into the State treasury to the credit of this fund by the institution owing the same.

RAILROADS.

Our State has not kept pace with the majority of the states of the Union in the enactment of laws regulating railroads and their business as common carriers.

Section 21, Article XII of the constitution, provides that "no discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going into any other State."

That this provision of the constitution might be properly enforced the framers of it, by Section 22 of the same article, created a Board of Railroad Commissioners and vested it with certain powers. This section provides that "said commissioners shall

have the power, and it shall be their duty to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time with such changes as they may make. * * * Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners, or shall charge rates in excess thereof, shall be fined," etc.

The foregoing provisions of the constitution are very broad, and if properly enforced would settle most of the complaints now existing and being made against railroads and transportation companies doing business in this State. If our present laws do not meet the conditions existing, that is, if they are not broad and far-reaching enough to prevent rebates and discriminations, then under the constitution the legislature has the power to enact laws that will.

Section 24, Article XII, provides that "the legislature shall pass all laws necessary for the enforcement of the provisions of this article." Notwithstanding this mandate of the constitution, no act of the legislature has been passed since the adoption of the constitution, except one approved April 15, 1880, entitled "An act to organize and define the powers of the Board of Railroad Commissioners." This act is entirely insufficient. It does but little more than to organize the Board, fix the salaries of the members, and of the secretary, bailiff and stenographer, locating its office in San Francisco, and providing for its meetings. The other provisions of the act have proven to be inadequate to afford sufficient relief or grant an adequate remedy against rebating and discriminations in the past, which is claimed to have been carried on by common carriers in this State. The act should therefore be amended, or entirely repealed, and a new law passed to take its place, which will contain the necessary provisions to meet the requirements of the constitution, and put an effectual stop to rebating and discriminations that might hereafter occur. The acts constituting discriminations and rebates should be clearly defined and prohibited, and a penalty attached sufficient to prevent the same, such penalty to be applied alike to the company and to the shipper, for one who knowingly receives any advantages or favors which are not equally extended to other shippers, and which the law prohibits, should be held equally guilty with one who grants them. The violation of the law should be punished by fine or imprisonment, or by both. The law should be so drawn that an offense of rebating is committed when it appears that freight has been shipped at a cost less than the published rates. This is important because it may be impossible to secure any other evidence to show that a person has received favors which are denied to others, but if the offense has been committed when freight has been carried for a less rate than the published rate the proof can be easily secured. A schedule of rates to be charged by transportation companies should be posted in a conspicuous place in the office of the commissioners, where the public can have free access to it. The rates to be fixed should be fair, just and reasonable, affording a reasonable return to the companies for services rendered, and when so established should be strictly observed by the companies.

The question of transportation is a most important one in this State, and as our country develops, our population increases and our commerce expands, it will be one of the greatest problems our people will have to deal with. Our railroads are great factors in the development of the resources of our State. They bring communities together so they can quickly and cheaply do business with each other. They are common carriers whose duty it is to extend to one citizen the same advantages in shipping as are extended to others, and the public should at all times be in their confidence. But this cannot be if secret rebates are to be given to a favored few, nor if facilities in transportation are to be granted to one and withheld from another. A common carrier possessing certain franchises and privileges granted by the sovereign power of a State, which others do not enjoy, is a public servant whose duty it is to serve every member of the public alike, and no favors or advantages should be extended to one which others are not to receive, as this will give the favored one an undue advantage over his competitor in business which he ought not to enjoy. The question of passes or free transportation should be covered by proper restrictions along the lines followed by Congress in the recent amendments to the Interstate Commerce Act. During the last few years there has been an abundance of legislation passed in the different states and by the National Government regulating railroads and their charges, and from these many acts it will be an easy matter to formulate a bill which will accomplish everything sought for, and which will be fair and just to both the public and the transportation companies. Our State is very much in need of such legislation, and I trust the same may be enacted.

There should also be made a more liberal appropriation for the uses of the Commissioners than has been made in the past. There must not be a lack of funds if the Commissioners are expected to vigorously enforce the law. As to the amount required, the Commissioners and Attorney General can give the necessary information; but it should be sufficient to enable the officers of the law to properly enforce it. The penalties fixed for the violation of the law should be sufficiently large to insure its observance, and to justly punish those who break it.

GOOD ROADS.

For some time there has been an agitation in this State in favor of good roads, and I believe that the sentiment of the people to-day strongly favors the construction of a system of State highways running through the center of the State and along the coast, connecting all the counties and principal centers of population. There is no state in the Union that would derive a greater benefit from a system of good roads than California. We are engaged in raising products that require great care in transportation. Our fruit is easily injured, and to prevent bruising and great damage good smooth roads should be constructed over which to transport it to the markets of the State, or to the railroads for shipment. No state can be more favorably situated than ours for such a system, and no place offers greater advantages. Starting from the north a road can be built through the great Sacramento and San Joaquin valleys, connecting with San Francisco and also crossing the mountains to Los Angeles. From this city roads can be constructed to the east and south touching all important places, and down the coast to San Diego. Another road can start from Los Angeles and pass along the coast, traversing the Salinas and Santa Clara valleys and continuing north through the bay counties and along the northern coast to the Oregon line. Such a system of highways will reach the most important and most populous parts of the State. They will develop the country through which they pass and will offer a great inducement to settlers to locate along their route and build homes.

There is no way of estimating the great advantages of such a system, and the part it will play in the development of the rural portions of our State, and the increased wealth it will add to the sections through which it passes. The conditions for constructing and maintaining such highways are very favorable. The climate is all that can be desired; there is no frost and frozen earth to contend with, the soil is all that can be asked for, and there is an abundance of good rock and plenty of cheap oil to build the very best of roads. Such a system of roads would annually induce thousands of tourists to visit our State for the pleasures of automobiling. No country in the world offers such opportunities and advantages for this pleasure as our State does. There are no storms, no rough and unsettled weather, but from spring until late in the fall there is constant sunshine and balmy air. The tourist can ride for miles through our orange groves, our vineyards, our orchard bearing fruit of every kind, through our beautiful valleys, along the coast and shores of the ocean, into our immense forests, and lastly to the Yosemite and across the mountains to Tahoe. Many, on such trips, would be impressed with the wonders and beauty of our State, and would invest here and make their homes among us, adding largely to our wealth and population. That such a system will be of great advantage to our State no one well can deny. If we wait for our counties to build a system of good roads many years must pass, and when completed the roads will not be uniform and many not go where they should, but might pass along some less desirable route, because some interested supervisor wanted them there. If the State undertakes to build the roads they will be completed within a reasonable time, constructed of good material, the work will be under the charge of skilled and experienced road builders, and will be laid out along the most favorable route without regard to individual interests. To build such a system of roads will require the expenditure of about \$18,000,000. This amount can be raised by a State bond issue, and it can be so arranged that the principal shall be paid by the State and the interest by the counties through which the highway passes, based upon the exact amount of money expended in that county for the construction of such highway. The supervision and maintenance of the roads, when completed, should always be under State control to insure necessary repairs and to maintain them in a proper and suitable condition. The question of bonding should be submitted to a vote of the people, and I recommend that legislation for that purpose be enacted. The State will never feel the burden of the bonds, and the wealth which such a system will directly add to our State will far exceed the amount invested, to say nothing of the great advantages such highways will be to our people. The necessary legislation to carry out the building of such a system will be submitted to you for your consideration and you will be asked to pass the same, thereby submitting the whole question to the voters of the State for their approval.

BANKS.

During the summer and fall of 1907 a money stringency existed all over the country and was also felt largely in foreign nations. It came at a time when the country was apparently in a most prosperous condition, when the people were well to do, when all lines of industry were active and large returns were being received from abundant crops of every character. Our State was affected equally with other places, and we found ourselves without sufficient funds to carry on our ordinary business and none at all for new enterprises. Our money was locked up in the East and Eastern bankers refused to return it to us. Several banking institutions of the State were forced to close their doors and their affairs are now in the hands of a receiver and are being settled for the benefit of the depositors. In order to protect our banks and prevent great financial distress among the people, it became necessary to declare a series of holidays, and finally to call an extra session of the legislature. At this session a joint committee, composed of members of the Senate and Assembly, was appointed to inves-

tigate the causes of this money stringency, and more particularly to examine the banking laws of the State and to propose such amendments thereto as might be necessary. This committee has held meetings in different parts of the State, and has been greatly aided in its work by the legislative committee of the California Bankers' Association. This joint committee will present to the legislature a draft of a bill to regulate the business of banking, which, if enacted into law, will cure many of the evils heretofore existing and will give to this State a code of banking laws unexcelled anywhere.

Our State has been very backward in the enactment of laws affecting banking, and it is very important that this business, which means so much to the welfare and prosperity of a community, and which controls and handles the money of the people, shall be so safeguarded and regulated by law that the depositor will be fully protected and the business and various enterprises of the State not injured by unnecessary bank failures.

Every commercial bank, individual banker, and every trust company doing a banking business should always have on hand, at all times, a sufficient reserve in money to secure its safety, and this reserve should be kept in the State and not sent abroad, as has too often been the case. The present law requires that every commercial bank shall have always on hand an amount equal to 15 per centum of its deposits, but there is no penalty provided for its failing so to do. This amount should be increased to at least 20 per cent, and a severe penalty imposed for a violation of the law. During the late financial stringency some of the banks of this State had on hand as low as 5 per cent of their deposits, and many had less than 15 per cent, as required by law—a most dangerous condition for any bank to be in, and one showing an utter disregard for the safe protection of its depositors.

I have inquired of many of the leading bankers of this State how large a percentage of the deposits should always be kept on hand to insure safe and conservative banking, and their answers range invariably from 20 to 30 per cent. This being so, it is quite evident that 15 per cent is entirely too small. It is true that the laws of New York fix the amount at 15 per cent, but the laws of the United States regulating National banks fix the sum at 25 per cent in some cities and 20 per cent in others. Twenty per cent is certainly small enough, and this gives to the banks 80 per cent of the people's money, together with their capital stock and surplus, to do business on, and this should be sufficient.

While we are enacting laws for the protection of the public, as well as for the security of the banks, we should do so along safe and conservative lines. As before stated, this reserve fund should be kept in this State and not deposited in Chicago, New York, or in some other city outside the State, because the banker depositing it there can realize a good rate of interest thereon. This money is for the protection of the depositors, and should be where it can be reached upon short notice. At least three fifths thereof should remain in the bank's vaults, and not more than two fifths deposited in other banks in this State, and only then in such banks approved by the Superintendent of Banks as a depository of lawful money reserve; and such bank should be required to have on hand at all times not less than 25 per cent of its deposits, exclusive of State, county, and municipal deposits.

One of the great evils in banking has been the loaning of the funds of the bank to its officers and employees. To this practice can be traced the cause of most bank failures. No money of a bank should be loaned to any of its salaried employees, and the making of such a loan should be penalized, and the directors who consented thereto or acquiesced therein should be held personally responsible therefor.

I do not believe that it would be good policy to enact a law absolutely prohibiting a bank from loaning money to any of its directors, because this would tend to keep our most progressive and best business men off the Board of Directors, and the business of banking would be injured thereby; but such restrictions should be placed around such a loan as will fully protect the bank from loss, and the amount which such an officer can borrow should be limited to a certain per cent of the bank's paid-up capital and surplus. If loans are to be made to the directors of a bank, or to a stockholder owning at least one third of the capital stock, then such a loan should be reported at once to the Superintendent of Banks, together with a list of the securities given by the borrower. If the Superintendent shall deem the securities insufficient, he may require other security to be given, and if this is not done he should have the power to require the loan to be called in at once and canceled. The Superintendent should also have the authority to require every officer and director of a bank borrowing money therefrom to submit to him a sworn statement of his assets and liabilities.

Some limitations should be placed upon the amount of money any person, company, corporation, association, or firm can borrow from a bank; otherwise a bank may have all its funds practically loaned to one concern, and if it becomes involved in losses or fails in business then the bank fails, too. No person or company should be permitted to borrow altogether more than 25 per cent of the capital stock of any bank actually paid in and surplus, and on all loans in excess of 10 per cent thereof security should be given worth at least 15 per cent more than the loan. If more than such an amount is loaned, or if it is loaned upon security less in value than the loan, then the directors who permitted it or acquiesced therein should be severally and jointly liable for any loss which the bank might suffer therefrom.

There are many important matters which are to be considered in drafting proper banking laws which can not be considered in this message, and I trust that you will give the questions your most serious consideration, and enact only those laws which will be fair to all interests and which will give the best protection possible to the depositor. Our State is badly in need of such legislation, and I shall expect good results from this session.

STATE FARM AND SCHOOL FOR ORPHANS.

One of the most important and serious questions confronting our State is the care, education, and training of our orphan and dependent children. There are now in orphan asylums about five thousand children, and outside of asylums and supported by boards of supervisors about two thousand more. During the last four years the State has expended for the support of these children an average of \$432,792 per year. Under the law State aid ceases when the child reaches the age of fourteen, and the different institutions caring for them, no longer receiving this aid, naturally get rid of them as soon as possible. Some find homes with good families, while many are left to drift about, caring for themselves as best they can. None of them have the age or experience to look out for themselves properly, and they are easily led into ways of life that are bad for them, with the result that many of the girls find homes in Magdalen asylums, or worse places, while many of the boys are sent to reform schools or prisons, and once more become a public charge.

The State should do everything it can to help these unfortunate children and make of them good and useful citizens. When a boy or girl reaches fourteen years of age they ought not to be turned out into the world without friends, money, or advice, to commence the struggle of life alone, but should be placed in some institution where an education can be secured and a trade or some useful occupation learned.

In my judgment the State ought to purchase a tract of good farming and dairying land, build thereon homes and schools for these children, teach the boys trades and instruct them fully in agriculture, horticulture, and viticulture; instruct the girls in domestic science and fit them for useful lives. Our State offers splendid opportunities to those who desire to engage in agricultural pursuits, and no greater service can be rendered these children than to educate them to appreciate country life, and to induce them to settle in rural districts and help to develop the wonderful resources of our rich valleys. The girls, after a four years' course in domestic sciences, can find employment anywhere in good families, and with their training and experience will be well equipped to enter into the life of our State and perform their duties as servants or mothers. What we want is a high-class citizenship, and the foundation for this is a good education and the knowledge of some useful employment. As parents we are doing our duty toward our own children in fitting them for life, and as a great State we will not be doing our duty unless we give to our orphan children that fostering care and education which will fit them for the responsibilities of good citizenship.

A school of the kind referred to would have from five to seven hundred in attendance, and if properly managed and conducted and favorably situated upon good and fertile land would be self-supporting, or nearly so. But no matter what the cost might be, the good results that would flow therefrom would more than compensate this State for any sums of money expended in its support.

In carrying out such a plan I recommend that an appropriation of \$125,000 be made with which to purchase a site and to prepare plans for necessary buildings; and that a commission be appointed by the Governor to select the same and report thereon. After this has been done, the necessary steps can be taken to improve the place and carry out the proposed purposes, and when completed the State will have finished an institution which will be productive of better results than any institution we now have.

IMPROVEMENT OF OUR NAVIGABLE STREAMS.

Ordinarily the improvement of a state's navigable bays and rivers is carried on by the Government, and this has been generally done in our State. But conditions may exist where it is for the best interests of the State to give assistance in this public work by offering to bear a portion of the expense. Such a condition now exists in our State with reference to the Sacramento and San Joaquin rivers. These two large streams form splendid waterways for the great valleys which they drain, and every year are growing in importance from a commercial standpoint. Much work is required to put them in a condition to properly carry the large tonnage which in a few years will be produced upon their very banks, and to so prepare them improvements should begin at once in deepening their channels, straightening their courses, and performing such other work as may be necessary to maintain and preserve such channels.

The improvement of these streams will encourage the reclamation of thousands of acres of fertile lands lying along their banks; and it may safely be said that by the time the rivers are dredged the adjoining lands will be reclaimed. This will add greatly to the wealth of our State, and will provide homes for thousands of families and wonderfully increase the population of these valleys. Nowhere can richer and more fertile soil be found than that lying along the Sacramento and San Joaquin rivers; a soil capable of producing all kinds of cereals, vegetables, and fruits in large abundance, and here some day will be the most populous and wealthiest sections of our State.

The Sacramento and San Joaquin rivers will be the great arteries that will carry the commerce of this most prosperous section to the sea, and some day their capacity will be taxed in so doing.

United States engineers have recommended that the improvement of these two rivers be carried on jointly with the State, and a bill is now pending in Congress appropriating the sum of \$400,000 to be available upon the State appropriating a like amount. Last winter I went before the River and Harbor Committee of the House and urged the passage of this bill, and assured the members thereof that if this amount was appropriated the State of California would do its part. This would provide a fund of \$800,000 to commence the work, and further appropriations can be made from time to time until it has been entirely completed and the two rivers put in splendid shape for navigation.

I trust that we may not be disappointed in this great public improvement, and that everything may be done on the part of the State necessary to be done to accomplish the result desired. I know of nothing that can bring better returns to our State than the dredging of these rivers and the reclamation of the thousands of acres of fertile soil which must inevitably follow this work. The scheme will be too large for the State alone to handle or for private parties to undertake, but can be easily accomplished when the Federal Government, State, and private interests work together.

THE STATE BOARD OF EQUALIZATION.

This Board has compiled a very comprehensive and statistical report touching upon all matters falling under its jurisdiction. I particularly invite the attention of the legislature to that portion of the report on the subject of equalization of county assessments, beginning on page 12. There is no doubt a great disparity exists in the assessments as between the several counties. This is fundamentally wrong. Each county should contribute its just share of taxes for support of the State government, but to do this we must have equality and uniformity of assessment. I am aware, also, that this Board is seriously handicapped for funds with which to prosecute its work in collecting data in the several counties, and in proving the reports of railroad companies made to the Board. The Board should be authorized by law to employ experts for these purposes and to pay them a reasonable compensation for their services. I, therefore, recommend that the legislature make a reasonable appropriation for these purposes and place the same at the disposal of this Board.

REVISION OF REVENUE LAWS.

In my inaugural message I urged upon the legislature "the advisability of changing or amending our revenue laws and substituting a system which is more modern and which will meet the conditions of to-day." Pursuant to this suggestion the legislature submitted to the people an amendment to the constitution of the State designed to separate State from local taxation as to sources of revenue. This amendment was carefully prepared by the State Commission on Revenue and Taxation, and would, in my opinion, have been approved by the people had it been fully understood by them. It met with defeat by a narrow margin.

The large vote in favor of this amendment, taken together with the statements made in the public press and elsewhere by those opposed to certain features of the measure, shows conclusively that there is a widespread and intense desire to get away from the old and unequal system of taxation under which the people now suffer. Moreover, the essential feature of the amendment, namely, the selection of sources of revenue for the State, separate from those used by the local governments, appears to have met with almost universal approval. In fact, a very large and influential group of opponents objected to the amendment on the ground that it did not expressly provide for complete and permanent separation. It appears, therefore, that if an amendment to this end can be drafted which will eliminate some or all of those comparatively minor features contained in the old one, to which specific objections were raised, it will meet with the hearty approval of the people. While these objections may not be valid, they appear to be put forward in all sincerity, so that if they can be removed without sacrificing the main feature of the scheme, namely, separation, it may be wise to make such concessions.

The necessity for this reform remains just as strong as ever. The farmers, especially, in many parts of the State, and to a lesser extent the small real estate owners in the cities, are still heavily overtaxed. Many classes of corporations are very inadequately taxed, and there are glaring inequalities between different corporations in the same class. The counties and cities are still hampered in their efforts to improve their local or home finances by the necessity of always having to consider the danger lest they may have to pay too great a share of the State tax. The old system is still full of rank injustice, which no amount of zeal on the part of the assessing officials can remove because of the restrictions in the law. It is moreover capable of abuses for which no adequate remedy exists.

To be sure, much good has already resulted from the discussion of the evils in our present system of taxation and from the revelations of shocking inequalities therein as a result of the investigations made by the Commission on Revenue and Taxation. Thus, for example, the taxes paid by the steam railroads and the street railroads have

been largely increased during the past two years by the efforts of the State Board of Equalization, and of the assessors, who have acted in accordance with the suggestions made by the Commission. The taxes on the property of these groups of corporations are now very nearly equal to, and in some cases, probably in excess of, those paid on real estate in general and on such classes of property as are fully taxed under the present system. It is estimated that this partial application of the ideas formulated by the Commission has added upwards of two million dollars annually to the aggregate revenues of the State, counties and cities from sources heretofore undertaxed. But that these results will be permanent if the old system of taxation is continued is more than doubtful. Judged in the light of our past experience and by the experience of other states it will not be so. A relapse into the old state is to be expected as soon as the temporary stimulus is removed. The sporadic character of those improvements is itself a condemnation of the old system of taxation. What we need is a system of taxation simple, uniform, certain, and sure.

Furthermore, the improvement is not universal. It is limited to some conspicuous classes of corporations. Under the present system the banks are taxed unequally, one with another, and in many cases very inadequately. No remedy for this is possible without a constitutional amendment. It is equally impossible, under the present system, to impose adequate taxes upon express companies, car companies, telegraph and telephone companies, and the light, heat, and power companies. Nothing is clearer than that the business and property of these classes of corporations should be taxed as a unit. The attempt to assess such property piecemeal, where it may be found, scattered about in several counties, results in an assessment, as if it were mere old junk, of property which when used by a going concern has a far different value.

It is my conviction that the system of taxation embodied in the amendment voted upon by the people at the last election would have remedied these evils to a very large extent, and would have opened the way to still more effective reform in the future. This conviction is based upon the following facts:

First—Complete separation of State from local taxation would have been possible under this amendment, even the first year. That is to say, the sources of revenue set apart from the State would have yielded in 1908 over \$7,500,000, and the ad valorem tax levy for that year was \$7,188,799. Hence, if the new system had been in force in 1908 no State tax levy on general property would have been necessary.

Second—Very considerable relief would have been afforded the overtaxed farmers and small real estate owner, especially in those districts which had heretofore suffered most under the inequalities of the old system. There would in 1908 have been an average saving of 18 cents per \$100 assessed valuation in the county tax rates. If the State tax rate had been up to the normal of 50 cents, and if complete separation had been achieved, the average saving to the small taxpayers would have been 28 cents in tax rate.

In this connection it is permissible to digress long enough to point out that the State tax rate in 1908, 40 cents per \$100, was the lowest adequate State tax rate in the history of the State. The only lower State tax rate ever levied was that of 1902, amounting to 38.2, and that one was so inadequate that it left the embargo absolutely bare and forced the government to all sorts of makeshifts to meet its obligations. The low tax rate of 1908 is due to the wise economy exercised by the legislature under my advice in making appropriations for the current fiscal year. Yet every branch of the State government has had sufficient funds for all necessary purposes. The legislature of 1907 and the executive departments may both take a pardonable pride in this unsurpassed record of economy achieved without loss of efficiency.

Third—The new system would have automatically equalized the burden of taxation among the different classes of taxpayers.

Separation of State from local taxation is not a new scheme in this country. It has been tried out in many states, and others are moving in the same direction. The plan has the endorsement of the great National Tax Reform Association, which is composed of the leading tax experts in the country, together with official representatives of the different state governments. Practical separation, in one form or another, has already been achieved in the following states: Pennsylvania, New York, New Jersey, Connecticut, Wisconsin, Minnesota, Ohio, Michigan, and Virginia, while Missouri, Louisiana, and several others are moving in the same direction. The subjects selected for state taxation vary from state to state, and the methods of determining the taxes to be paid by the subjects so selected vary also. Each state builds on its own historical foundations and develops a system suited to its own peculiar conditions.

The degree of separation attained differs also from state to state. In some it is complete, in others it is only partly so. A small tax on the subjects which contribute to the support of local government is not regarded as in any way lessening the advantages of separation. Thus Wisconsin boasts of being a "taxless state" in the sense that individual property owners do not contribute to the support of the state government in the narrower sense. But she nevertheless imposes a general tax for school purposes known as the "mill tax" (10 cents per \$100 of assessed valuation), the proceeds of which are distributed among the schools in a manner similar to that in which our State school funds are distributed.

Some states which have separation and some which do not, notably Maine, tax public service corporations on the basis of gross earnings, others on the basis of a valuation or appraisalment of their property. The latter depends for its success mainly

upon the personnel of the board which makes the valuation. It appears to be successful, at least for the time being, in Wisconsin, where it is administered by a strong board of very highly paid men appointed by the Governor for a long term, and retiring from office, one at a time, in such manner that it would take several administrations to entirely change the complexion of the board. The Wisconsin board is vested with most extraordinary powers. New Jersey has recently inaugurated a plan similar in its main features but different in detail, which bids fair to be quite successful. The same system in Michigan is, however, an admitted failure, the board in charge being hampered by too many restrictions in the law and by lack of power. The former system, namely, taxes based on gross receipts, has much to commend it in the way of simplicity and efficiency. By my advice the State Commission on Revenue and Taxation sent its secretary, and the State Board of Equalization likewise sent its secretary, to St. Paul, Minnesota, and to Madison, Wisconsin, to study the operation of the tax systems of those states. They returned, bringing a very glowing report of the success of the gross earnings tax in Minnesota, where it has been in operation for many years. The Governor of that State, the State Auditor, and the Railroad and Warehouse Commission, which have active charge of the administration of the tax, were unanimous in giving the system a most hearty endorsement. The only objection to the gross earnings tax seems to be that the average taxpayer and voter has difficulty in understanding that a gross earnings tax can be levied which is equivalent to the taxes levied on the basis of a valuation of property. He is prone to demand that the same method of taxation and the same rates shall be applied to all classes of property, and fails to realize the great difficulty involved in making a valuation of such complex properties as those used by public service corporations. It is probable that this feeling on the part of voters contributed largely to the adverse vote on the last amendment.

In view of the foregoing considerations, and feeling that tax reform is one of the most urgent matters requiring your attention, I have, in my capacity as ex officio chairman of the State Commission on Revenue and Taxation, called upon that body to draft a new amendment to the constitution providing for a new system of taxation. This will be submitted to you at this session, and I recommend it to your most careful consideration, trusting that you will give it your best thought. The Commission is, as you know, composed of able, careful, conservative men, who have been earnestly and diligently studying this problem for over three years. They have gathered all the data necessary to reach a wise conclusion, and their recommendations are entitled to great respect. Were it not for the existence of this Commission, with its accumulation of knowledge and experience, it would not perhaps be wise to propose a new amendment at this time. But under the circumstances it is not necessary to delay the matter for further investigation. The taxpayers should be given another chance to obtain the needed relief at once and while their attention to the matter is aroused.

I further recommend that an appropriation be made to continue this Commission for another two years. If a new amendment is submitted to the people by you the Commission can, in the interval which must necessarily elapse before it is adopted by the people, prepare the statutes necessary to put it into effect and gather the data necessary to show to the people how the plan will work.

INSURANCE.

The last legislature passed some very important insurance laws regulating insurance companies and insurance business in this State. The passage of these laws, as anticipated, has accomplished all that was hoped for.

There was also enacted a law presenting a standard form of policy of insurance to be used by all companies writing insurance in this State. This law contained many excellent features, but also contains certain provisions that were opposed alike by the insurer and insured. Many of the best companies doing business in the State threatened to withdraw their agencies if the act in that form became a law, and the large business interests of San Francisco also strenuously opposed its passage. When the bill was before me for consideration, and was being bitterly opposed because of certain provisions which it contained, I asked Mr. Jones, an expert employed by the State to draft proper insurance laws and a standard form of policy, if he had been left alone to follow his own judgment as to what was fair and right, if he would have prepared the standard form which he was then advocating and which the legislature had passed, and he very frankly admitted that he would not. Being then firmly of the opinion that the contract of insurance as contained in this proposed law was wrong in some of its most important provisions, and further because those most directly interested in insurance laws, because of their large property interests upon which heavy insurance was being carried were opposed to the law in its then form, I vetoed the same. Last summer I requested the Clearing House, Chamber of Commerce, Board of Trade, Merchants' Association, and other civic bodies of San Francisco to appoint a representative to meet with the Insurance Commissioner and a representative appointed by the Underwriters of San Francisco and agree upon a standard form of policy to be used in this State. Such representatives were appointed and many meetings have been held, and the question of a standard form has been most carefully and thoroughly considered. This committee will prepare a draft of a bill containing the form agreed upon, which will practically follow the New York standard form, which is in use in nearly all of the states of the Union, and whose every provision has been clearly defined and limited by

decisions of the highest courts in the country. I trust that the form of policy presented will meet with your approval, and that you enact it into law.

There are many other matters of greater or less interest to the people of this State, but which on account of my physical condition I am unable to submit to you at this time. From time to time as occasion requires I will be pleased to submit to you those matters I deem to be of special importance.

J. N. GILLET, Governor.

APPENDIX—LIST OF PARDONS, COMMUTATIONS, AND RETRIEVES.

During the past two years I have granted forty-eight pardons, thirty-four commutations of sentence, and reprieves to seven prisoners under sentence of death. I have endeavored to use extreme care in granting clemency, and in only one instance has a prisoner proven unworthy. Pardons and commutations have been granted for reasons appearing to me to be sufficient, but I am free to confess that under the system in vogue in the past the Executive is extremely likely to err in his judgment. I have, therefore, attempted to adopt a plan by which a prisoner can earn his pardon by good conduct. He is first required to obtain a parole, which is never granted except for exemplary prison life. His conduct on parole is used as a basis to determine his fitness for a pardon. So far as I have been able to apply this rule it has produced most excellent results. As you will observe, many of the pardons issued have been based solely upon good conduct while on parole.

Following is a list of all cases where clemency has been granted, a brief history of each case, and my reasons for acting favorably thereon:

PARDONS.

MARCH 5, 1907. MAUDE SHEELA, convicted in Fresno County in November, 1906, of misdemeanor, and sentenced to six months in the county jail. At the time pardon was granted Maude Sheela had served one month of the sentence imposed by the court, and it was represented that she would leave the State if pardoned, and upon the recommendation of Herbert F. Briggs, Judge of the Police Court of the city of Fresno, and Denver Church, District Attorney of the county of Fresno, pardon was granted.

APRIL 3, 1907. NICHOLE MARCHI, convicted in Humboldt County in May, 1906, of the crime of assault with a deadly weapon, and sentenced to serve sixteen months in the county jail. Marchi had served eleven months of his sentence, made a most exemplary prisoner, acquiring an English education during the time he was in jail, and a pardon was granted him upon the recommendation of Otto C. Gregor, District Attorney, and G. W. Hunter, Judge of the Superior Court.

APRIL 11, 1907. STANLEY J. MARTIN, convicted in the county of Kern in January, 1905, and sentenced to a term of five years at Folsom State Prison. It appeared that Martin was only nineteen years old at the time of the commission of this offense, and the judge, unaware of his youth, sentenced him to a longer term than he felt to be justified, after he learned his true age. The relatives of Martin agreed to remove him from the State, and the same was done as soon as the pardon was granted. Clemency was recommended for him by the Hon. J. W. Manon, Judge of the Superior Court of the county of Kern, and by the entire congressional delegation representing California in the national halls of Congress.

APRIL 27, 1907. WONG GOW, convicted in San Francisco of robbery, and sentenced for twenty years. In October, 1903, Wong Gow was paroled, and thereafter his conduct was most exemplary. Upon the recommendation of the State Board of Prison Directors he was pardoned.

JUNE 20, 1907. LOUIS SOSSMAN, convicted in the Police Court of the city of Los Angeles, February, 1907, of the crime of misdemeanor, and sentenced to one hundred and fifty days in the city jail. Sossman had made a good record while imprisoned in jail, and there were many mitigating circumstances connected with the case and new evidence was discovered too late to be used by the petitioner. His pardon was recommended by Hon. Wm. Frederickson, Judge of the Police Court; E. J. Fleming, Prosecuting Attorney; G. W. Pearson, Assistant District Attorney, and J. W. McCouly, Chief Jailer.

JULY 26, 1907. PILAR CARRILLO, convicted in Los Angeles County of the crime of assault with a deadly weapon, and sentenced to one year in the State Prison at San Quentin. Carrillo, prior to the commission of the offense, bore a good reputation, and the crime was committed while under the influence of liquor. He had, at the time, a wife and three children, who were left in destitute circumstances. His pardon was recommended by the Hon. B. N. Smith, Judge of the Superior Court; J. D. Fredericks, District Attorney; Thomas J. Conaty, Bishop of Monterey and Los Angeles, and many other prominent citizens.

AUGUST 20, 1907. MICHAEL J. LYONS, convicted in San Francisco of the crime of forgery, and sentenced to one and a half years at San Quentin. Lyons was afflicted with a fatal illness, and a pardon was granted him so that he might die outside the prison walls. His pardon was recommended by Thomas F. O'Neil, Sheriff of San Francisco; Wm. P. Lawlor, Judge of the Superior Court, and W. H. Langdon, District Attorney.

SEPTEMBER 30, 1907. MICHAEL A. STOKES, convicted in Siskiyou County of the crime of robbery, and sentenced to twenty years at San Quentin. Stokes was paroled in 1905, and in view of his exemplary conduct thereafter, and upon recommendation of the State Board of Prison Directors, he was pardoned.

DECEMBER 2, 1907. ALEX P. RUSSELL, convicted in Santa Clara County, December, 1890, of the crime of rape, and sentenced to forty-five years in San Quentin. Russell was released on parole in February, 1905, and his conduct thereafter was most exemplary. On the recommendation of the Board of Prison Directors he was pardoned.

DECEMBER 17, 1907. WILLIAM T. HYNES, convicted in September, 1907, in the Justice Court of Ukiah Township of the crime of petit larceny. Hynes was afflicted with a disease impossible to treat in jail with any degree of success, and owing to conditions therein he was a source of great danger to the other prisoners. He was pardoned upon the recommendation of Robert Duncan, District Attorney; R. E. Donohoe, Sheriff of Mendocino County, and Judson Litchfield, County Physician.

DECEMBER 20, 1907. FRANK MCAULIFFE, convicted in October, 1907, of the crime of petit larceny, and sentenced to six months in the county jail of Solano County. McAuliffe was but eighteen years old at the time of the commission of this offense, which consisted of the stealing of a second hand pair of shoes valued in the complaint at \$2.50. As the punishment inflicted for said crime seemed to be out of proportion to the seriousness thereof, and as he had served a considerable part of his sentence, I issued him a pardon. The same was recommended by L. G. Harrier, Judge of the Superior Court of Solano County; J. J. McDonald, Sheriff; W. W. R. Reeves, Sr., Justice of the Peace, and Joseph M. Raines, District Attorney.

DECEMBER 21, 1907. CLAUDE E. CURRY, convicted in Yolo County, in October, 1907, of the crime of furnishing intoxicating liquors to a minor, and sentenced to imprisonment for one hundred and fifty days in the county jail. The liquor was furnished to a Miss Barnett, whom Curry afterwards married. It appearing that no further good could be done by compelling Curry to serve his full sentence, I issued him a pardon. This action was recommended by the Hon. E. E. Gaddis, Judge of the Superior Court; W. A. Anderson, District Attorney; E. T. Lampton, Justice of the Peace who pronounced the sentence, and many other of the more prominent people of Yolo County.

DECEMBER 24, 1907. PETER CASTRO, convicted in the Superior Court of Monterey County in May, 1899, of the crime of burglary in the first degree, and sentenced to a term of fifteen years at San Quentin. Castro was paroled September 26, 1905, and thereafter his conduct was most exemplary. In pursuance of my policy to grant pardons to those paroled prisoners who had faithfully observed the parole laws and had shown that they had become industrious, sober, and upright men, I issued Castro a pardon upon the recommendation of the State Board of Prison Directors.

JANUARY 2, 1908. FRED FENIXON, convicted in the Justice Court of Suisun Township, county of Solano, in October, 1907, of the crime of petit larceny, and sentenced to six months in the county jail of Solano County. Fenixon was a joint defendant with Frank McAuliffe, mentioned above, and was but sixteen years of age. A pardon was granted to him upon the same recommendations and for the same reasons as those granted Frank McAuliffe.

JANUARY 2, 1908. ELSIE SHERWOOD, convicted in San Francisco in October, 1907, of the crime of vagrancy, and sentenced to six months in the county jail. At the time of her conviction Elsie Sherwood was a victim of the opium habit, acquired from her husband, who died prior to her conviction. A pardon was recommended by the Judge who sentenced her. It appearing to me that she had been cured of the opium habit, and upon the promise of her father to remove her from San Francisco and to surround her with beneficial and uplifting influences, I granted her a pardon.

JANUARY 24, 1908. JOHN HURLEY, convicted in San Francisco in the month of January, 1906, of the crime of robbery, and sentenced to five years at San Quentin. Hurley, prior to the commission of this offense, had always been a quiet and industrious citizen. The circumstances showed the crime was committed while under the influence of liquor, without criminal intent. Hurley attempted to take an appeal to the Appellate Court, but all his papers were destroyed by the fire in San Francisco. During the fire Hurley rendered heroic services in aid of the officers of the jail in the preservation of property and the restoration of order in said city. His pardon was recommended by the Hon. W. H. Langdon, District Attorney, and by many of the prominent citizens of that city.

FEBRUARY 4, 1908. THOMAS HENRY BAGSHAW, convicted in the Justice Court of Sausalito Township, Marin County, in the month of February, 1907, of the crime of carrying on business without having first procured a license so to do. He was sentenced to pay a fine of \$300 or be imprisoned in the county jail of Marin County at the rate of one day's imprisonment for each two dollars of the fine. It appeared that many others were arrested for similar offenses at the same time, and Bagshaw's case was made a test. Bagshaw was a laboring man, dependent upon his daily earnings for the support of himself and family, and was unable to pay said fine or any part of it. His pardon was recommended by the Superior Judge of Marin County, the District Attorney, and many other prominent citizens.

FEBRUARY 4, 1908. HENRY C. MILLER, convicted October, 1905, in Shasta County of the crime of rape, and sentenced to imprisonment at Folsom for life. Miller was convicted upon the testimony of his two daughters, both of whom appeared before me, and I am satisfied from their statements and from other matters connected with said charge, that Miller was innocent. His pardon was recommended by Hon. T. B. Dozier, District Attorney of the county of Shasta at the time of the prosecution of Miller, and by hundreds of the citizens of Shasta County.

FEBRUARY 11, 1908. L. L. CALLENDINE, convicted in Sacramento County, August, 1896, of the crime of robbery, and sentenced to thirty years at Folsom. Callendine was paroled December 23, 1903, and thereafter his conduct was always most exemplary. In pursuance of my policy of granting pardons to those paroled prisoners who had faithfully observed the rules and had shown themselves capable of taking their places in the walks of life, and upon recommendation of the Prison Board, I granted him a pardon.

FEBRUARY 14, 1908. CHARLES GREENFIELD, convicted in December, 1907, in the Police Court of the city of Los Angeles of the crime of vagrancy, and sentenced to ninety days in the city jail. At the time of the arrest Greenfield had just arrived in the city of Los Angeles and was engaged in looking for work, and was not a vagrant within the meaning of the law. In addition thereto, the city jail of Los Angeles at that time was overcrowded, unclean, and extremely unhealthy, and it would have been improper to have longer compelled him to remain in such a place.

FEBRUARY 18, 1908. WALTER HUTCHINSON, convicted in January, 1908, in the Police Court of the city of Los Angeles of the crime of petit larceny, and sentenced to six months in the city jail. Hutchinson was in poor health and afflicted with tuberculosis, and under the conditions existing in said jail it would be impossible for him to recover should he be compelled to complete his sentence.

MARCH 7, 1908. RICHARD FELLOWS, convicted in the county of Santa Barbara in April, 1882, of the crime of robbery, and sentenced to imprisonment for life. Fellows' conduct while in prison had always been exemplary, and his influence was of the best among the younger convicts. Pardon was recommended by a majority of the judges of the Supreme Court of the State of California, by the district attorney who prosecuted the case, members of the jury and by the officials of Wells Fargo Company, the prosecuting witness in such case. It was agreed that Fellows should be taken to his old home in Kentucky, where he would be cared for by relatives. For the foregoing reasons a pardon was issued to Fellows by Acting Governor Porter, during my absence from the State.

MARCH 12, 1908. WILLIAM F. BOEHLE, convicted in San Francisco in January, 1885, of murder, and sentenced to State Prison for life. Boehle was paroled December, 1904, and thereafter his conduct was most exemplary. In pursuance of my general policy with paroled prisoners, a pardon was issued to him by Acting Governor Porter.

MARCH 12, 1908. LOUIS PIPER, convicted in April, 1905, in San Francisco of the crime of robbery, and sentenced to nine years' imprisonment at San Quentin. Piper was mistaken for a negro by the name of Brown, and it appears from affidavits made by the police officers of San Francisco, that Piper was not the perpetrator of said crime, but that the crime was actually committed by a man by the name of Brown, to whom Piper bore a close resemblance. Piper was in no way connected with the commission of the crime.

MARCH 12, 1908. TOBIAS RICHARDS, convicted in March, 1882, in the Superior Court of Tuolumne County of the crime of murder, and sentenced for life. Richards was paroled February, 1905, and thereafter faithfully observed all the requirements of the parole law.

MARCH 12, 1908. J. H. GRANDE, convicted in August, 1907, in the county of San Joaquin of the crime of forgery, and sentenced for a term of two and one half years at San Quentin. It was extremely doubtful whether Grande was guilty of crime, or simply violated the civil duty which he owed to his employer, the Frank Simpson Fruit Company. After conviction the Frank Simpson Fruit Company requested clemency for Grande. The conviction of Grande left his family in destitute circumstances, which so preyed upon his mind that he was in danger of going insane. Under these circumstances Acting Governor Porter considered it proper that he should be granted clemency.

MARCH 21, 1908. VINCENT DI PALMI, convicted in November, 1895, in San Francisco of the crime of murder in the second degree, and sentenced to fifty years. Palmi was released on parole in December, 1902. As his conduct thereafter was most exemplary, and in view of the policy of this office to extend pardons to those prisoners who had faithfully observed the parole laws, Acting Governor Porter granted him clemency.

APRIL 2, 1908. JOHN L. MAZINGO, convicted in May, 1880, in the county of Lake of the crime of murder in the first degree, and sentenced to life imprisonment. On March 11, 1905, Mazingo was released on parole by the State Board of Prison Directors. Thereafter his conduct was in strict accord with all the prison rules, and upon the recommendation of the Prison Board he was pardoned.

APRIL 30, 1908. DAVID I. BEAZLEY, convicted in November, 1907, in the Superior Court of the county of Los Angeles of the crime of bigamy, and sentenced to one year in the State Prison at Folsom. Beazley had obtained a divorce from his first wife and married the second one three days before the year had expired after the issuance to him of an interlocutory decree. Beazley claimed that he had forgotten the exact date, but the same was no excuse under the law. Beazley was recommended by many of the most prominent people of Los Angeles, and by all of the members of the police department of that city. It would seem that this offense was not committed with criminal intent, as Beazley, prior to its commission, had always borne a very good reputation.

MAY 2, 1908. ANGIE FERGUS, convicted in August, 1905, in the Superior Court of the county of San Francisco of the crime of grand larceny, and sentenced for a term of two years in the State Prison at San Quentin. It appears that the defendant's bill of exceptions served in the case of *The People vs. Delbos*, and the People's motion, its thereto to be used upon appeal in that case, were destroyed in the fire of San Francisco. Then it was therefore impossible for defendant to take her case to the Appellate Court. From the time of her conviction in August, 1905, she remained in the county jail in San Francisco, and at the time of her pardon had been imprisoned for a considerable longer period than the term of sentence. The Assistant District Attorney of San Francisco recommended her pardon, and stated that he is certain she does not belong to the criminal class, that she had borne a good reputation and merited executive clemency.

MAY 12, 1908. HENRY WILSON, convicted in July, 1907, in the Police Court of the city of Los Angeles of the crime of vagrancy, and sentenced to serve a term of ninety days in the city jail. It appears that said crime was caused by evil associations at the time, from which Wilson has since broken away, and at the time he received a pardon he was living an honest and upright life, and was the sole support of an aged grandmother. His pardon was recommended by the Hon. Joseph F. Chambers, Police Judge of the city of Los Angeles; H. P. Alexander, Assistant Prosecuting Attorney; E. J. Fleming, Prosecuting Attorney of Los Angeles, and many others.

MAY 21, 1908. DYER HILLIAM, convicted in February, 1907, in the Superior Court of Monterey County, and sentenced to imprisonment at San Quentin for a term of twenty-five years. Hilliam was afflicted with consumption and his death was imminent. His relatives agreed to take him back to Texas, where they could give him a home and care for him. He was recommended by the State Board of Prison Directors, the Prison Physician, B. V. Sargent, Superior Judge of Monterey County, and J. A. Bardin, District Attorney.

JUNE 12, 1908. THOMAS M. GALVIN, convicted in November, 1902, in the Superior Court of the city and county of San Francisco of the crime of perjury, and sentenced for a term of nine and one half years. In October, 1905, Galvin was released on parole by the State Board of Prison Directors, and thereafter his conduct was of the best. Galvin's pardon was recommended by the State Board of Prison Directors and by the majority of the Supreme Judges of the State of California.

JUNE 9, 1908. E. H. ELLSWORTH, convicted in April, 1899, in the Superior Court of Siskiyou County of the crime of murder in the second degree, and sentenced to a term of twenty-two years in San Quentin. In March, 1905, Ellsworth was released upon parole. His conduct thereafter was in strict conformity with the regulation prescribed by the State Board of Prison Directors, and upon their recommendation a pardon was granted.

JULY 16, 1908. FRANK DURAZO and EDWARD DURAZO were convicted in the month of May, 1908, in the Justice Court of Woodland Township, Yolo County, for the crime of petit larceny, and sentenced to six months in the county jail of Yolo County. Both of these young men were under the age of sixteen years, and had been under the control of their mother who, at the time, was living separate and apart from the father. The father was an honest, hard working man, and this pardon was granted upon his express promise to assume control of the boys and give them a suitable education. This pardon was recommended by W. A. Anderson, District Attorney of Yolo County, and by Samuel Montgomery, Sheriff.

JULY 29, 1908. GIACOMO LEGARBO, convicted in February, 1889, in the Superior Court of Santa Clara County of the crime of murder in the second degree, and sentenced to a term of thirty-three years. The State Board of Prison Directors released Legarbo in September, 1905, on parole, all the provisions of which he had faithfully kept, and had conducted himself as an honest, sober, and upright man. After Legarbo had proven his thorough reformation, the Prison Board recommended executive clemency.

JULY 31, 1908. CHARLES LYONS, convicted in the Police Court of the city of Sacramento of the crime of disturbing the peace, and sentenced to three months in the county jail. Lyons had an invalid wife dependent upon him for support, and he was pardoned upon condition that should he ever be again convicted for drunkenness or disturbing the peace, his pardon should be void and he should be compelled to serve the remainder of the sentence cut short by said pardon. Clemency was recommended by S. Luke Howe, City Attorney.

AUGUST 21, 1908. S. C. BURWELL, convicted in the Police Court of the city of Eureka of the crime of assault, and sentenced to a term of thirty days in the county jail. Burwell was an honorably discharged veteran of the civil war and his past life had been most exemplary. The assault upon which he was convicted was committed under very considerable provocation, caused by wrongs committed against said Burwell.

SEPTEMBER 15, 1908. EDWARD FERGUSON, convicted in Contra Costa County of the crime of rape, and sentenced to a term of twenty-five years in the State Prison at San Quentin. In April, 1907, Ferguson was released upon parole by the State Board of Prison Directors and proceeded to San Francisco and proved himself an industrious, sober, and upright man. At the time this pardon was granted, Ferguson had an opportunity to obtain contracts of considerable magnitude in San Francisco, and clemency was extended to him so that he might be enabled legally to enter into the same. This was recommended by the State Board of Prison Directors.

SEPTEMBER 16, 1908. BERNARD WARD, convicted in December, 1899, in the city and county of San Francisco of the crime of embezzlement, and sentenced to a term of seven years in the State Prison at San Quentin. He was received in the prison in February, 1904. In January, 1907, Ward was released upon parole. His conduct thereafter was in strict conformity with the parole laws. Ward's sentence would have expired on November 20th. In view of his good conduct, attested by nearly two years of liberty on parole, I felt moved to grant him clemency prior to the expiration of his term. This action was recommended by the State Board of Prison Directors.

SEPTEMBER 23, 1908. OWEN N. WILSON, convicted in May, 1904, in the Superior Court of the county of Kings of the crime of rape, and sentenced to undergo an imprisonment of ten years. In 1907 Wilson was released upon parole by the State Board of Prison Directors. Thereafter his conduct was most exemplary, and he had proven himself to be an industrious, sober, and upright man. Wilson had become engaged to an estimable young woman who had been thoroughly informed of his past, but under parole regulation he was unable to marry her. The Prison Board recommended that in view of all the circumstances it would be well to grant Wilson clemency.

SEPTEMBER 24, 1908. PETER W. MCGLADE, convicted in July, 1901, in the Superior Court of the city and county of San Francisco of the crime of forgery, and sentenced to imprisonment for a term of eight years in the State Prison at San Quentin. In July, 1906, McGlade was released upon parole by the State Board of Prison Directors. Thereafter he lived an industrious, sober, and upright life, in strict conformity with the rules prescribed by the State Board. The Board recommended this application.

SEPTEMBER 30, 1908. CHARLES O'BRIEN, convicted in the county of Sacramento of murder in the first degree, in November, 1882. O'Brien was sentenced to imprisonment for the term of his natural life. O'Brien during more than twenty-six years' actual time in the prison had committed but one infraction of the rules. He had become old and feeble, and being an ex-soldier, was entitled to admission in the Soldiers' Home. He was also offered a position, where he would have support, by the Prefect of St. Mary's College. Clemency was recommended by the State Board of Prison Directors and by a majority of the Justices of the Supreme Court.

SEPTEMBER 30, 1908. F. F. JOHNSTON, convicted in the Justice Court of Chico Township, Butte County, of the crime of battery, and sentenced to imprisonment for six months in the county jail. From petitions received at this office, signed by numerous citizens of Butte County, it appeared that Johnston had entered a plea of guilty to the offense under the belief that he would receive a light sentence. It appeared that the sentence was excessive and out of proportion to the offense committed. Clemency was recommended by the Justice of the Peace who had sentenced Johnston.

NOVEMBER 7, 1908. J. E. RODLEY, convicted in February, 1900, in the Superior Court of the county of Butte of the crime of perjury, and sentenced to imprisonment for a term of twelve years in the State Prison at San Quentin. Rodley was released upon parole in February, 1906, and thereafter his conduct was most exemplary. Clemency was recommended by F. H. DePue, Director of the State Bureau of Criminal Identification; John C. Gray, Superior Judge of Butte County, and many of the prominent citizens of the county who were familiar with Rodley's conduct while on parole.

NOVEMBER 7, 1908. SMITH A. BRANDON, convicted in April, 1908, in the Superior Court of the county of Alameda of the crime of assault with a deadly weapon, and sentenced to serve one year in the county jail of Alameda County. From certificates of physicians it appeared that Brandon's health was in a very dangerous condition, and that his life would be imperiled should he be longer incarcerated. Recommendations for clemency were filed by the Hon. T. W. Harris, Judge of the Superior Court, and the Hon. Everett J. Brown, then District Attorney of the county of Alameda.

NOVEMBER 17, 1908. GEORGE M. SPALDING, convicted in the Superior Court of the county of Humboldt in July, 1905, of the crime of forgery on two charges, and

sentenced to undergo an imprisonment of three years on each. Spalding's conduct in prison was most exemplary, and secured for himself the recommendation of the warden of the said prison. Clemency was recommended also by a majority of the Judges of the Supreme Court of the State of California, and by Otto C. Grezor, District Attorney of Humboldt County.

DECEMBER 8, 1908. STEPHEN WEAVER, convicted in the Superior Court of the county of Contra Costa in April, 1904, of the crime of attempt to rape, and sentenced to imprisonment for a term of eight years. In December, 1906, Weaver was released upon parole by the State Board of Prison Directors. His conduct thereafter was always most exemplary, and he faithfully lived up to all the rules prescribed by the State Board of Prison Directors. Upon their recommendation, and in pursuance of my usual policy to pardon paroled men who had shown by their conduct that they had completely reformed, I granted a pardon to Weaver on the above date.

COMMUTATIONS.

FEBRUARY 7, 1907. FRED RAABE, JR., convicted in May, 1904, in the city and county of San Francisco of the crime of robbery upon two counts, and was sentenced to undergo an imprisonment at the State Prison at Folsom for ten years on each count, making an aggregate term of twenty years. Raabe's term was ordered commuted by Governor Pardee for the reasons stated in his message to the Legislature of the State of California at its thirty-seventh session. At the time of the expiration of Governor Pardee's term the recommendation had not yet been received from the Justices of the Supreme Court. Upon its receipt I granted Raabe a commutation in conformity with the order of Governor Pardee.

MARCH 26, 1907. GEORGE CAMERON, convicted in San Francisco in September, 1898, of burglary, with a previous conviction of felony, and sentenced to life imprisonment. In this Governor Pardee had also made an order for a commutation of his sentence, and upon receipt of the recommendation from a majority of the Judges of the Supreme Court, this commutation was issued in conformity with such order.

JULY 24, 1907. ABE G. SCHWARTZ, convicted in April, 1905, in the Superior Court of the city and county of San Francisco of the crime of grand larceny, and sentenced to undergo a term of four years in the State Prison at San Quentin. Prior to the commission of the offense upon which his conviction was based, Schwartz had always borne a good reputation, and his conduct and behavior up to the time of the commission of such offense was beyond reproach. It was the belief of those who recommended clemency, that if given his liberty he would make a good citizen and profit by the punishment he had received. Recommendations were received from Hon. Frank W. Dunne, Judge of the Superior Court before whom Schwartz was tried; Lewis F. Byington, Assistant and Deputy District Attorney of San Francisco, and Hon. J. V. Coffey, Charles L. Weller, Hon. Edward I. Wolfe, Hon. Samuel L. Beckett, and many other prominent citizens of that city.

SEPTEMBER 30, 1907. ALBERT WEBB MELOLING, convicted in the month of June, 1905, in the county of Los Angeles of the crime of burglary in the second degree, and sentenced to undergo an imprisonment for five years in the State Prison at Folsom. At the same time and place his wife was sentenced to undergo an imprisonment of three years. It appears that his wife was solely dependent upon Meloling for a livelihood, and that it was necessary for her welfare and protection that her husband be at liberty to assume the responsibility of protecting and providing for her. Recommendations for clemency were presented by the Hon. B. N. Smith, before whom Meloling was tried, and the Hon. J. D. Fredericks, the District Attorney who secured his conviction. It was represented by the Hon. J. D. Fredericks that the sentence of Meloling was too severe under the circumstances, and his sentence was accordingly cut short so that he might be released from prison at the same time his wife regained her liberty.

OCTOBER 1, 1907. N. H. McLEAN, convicted in May, 1900, in the county of Los Angeles of the crime of embezzlement, and sentenced to undergo an imprisonment of ten years. During his imprisonment he had proven himself a model prisoner and rendered most faithful service to the State. In view of this fact, the State Board of Prison Directors felt moved to recommend the commutation of his sentence. This was also concurred in by the Hon. B. N. Smith, Judge of the Superior Court, who presided at the time of his conviction. Mr. McLean was offered a position by his former employer in Chicago, and upon his release immediately proceeded to that place.

OCTOBER 10, 1907. H. H. KAUFFMAN, convicted in the county of Inyo, in June, 1906, of the crime of embezzlement, and sentenced to undergo an imprisonment of two years in the State Prison at San Quentin. Prior to his conviction Kauffman had always borne a good reputation as a hard working, honorable man. The offense was committed while Kauffman was intoxicated, and was not the result of a deliberate and premeditated design to steal. Recommendations for clemency were received from the Superior Judge of Inyo County, the District Attorney, and many of the more prominent citizens of the vicinity.

DECEMBER 11, 1907. JOHN G. VAN TINE, tried and convicted in June, 1898, in the Superior Court of the county of Sacramento of the crime of robbery, and sentenced

to a term of twenty years in the State Prison at San Quentin. Van Tine had suffered a previous conviction for burglary. Van Tine's record in prison had been such as to commend him strongly to the Board of Prison Directors, and there was every reason to believe from his prison conduct that he had thoroughly reformed and repented of the errors of his ways. They accordingly presented a recommendation that his term be commuted from twenty years to fifteen years. His sentence was commuted so that he should regain his liberty on the first day of January, 1908. Recommendations for clemency were also received from a majority of the Judges of the Supreme Court of the State of California and from the Hon. E. C. Hart, Judge of the Superior Court of the county of Sacramento; eleven of the twelve jurors who tried Van Tine, and from many other prominent citizens of Sacramento County. I wish to say that the confidence reposed in Van Tine was misplaced, for shortly after his release he proceeded to the State of Nevada, committed highway robbery, was tried and sentenced to a term of ten years in the Nevada State Prison.

DECEMBER 11, 1907. ORRIN BEAN, convicted in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to undergo an imprisonment of five years. On the same day he was convicted of a second charge of burglary in the second degree, and sentenced to two years. On the same day he was convicted of a third charge of burglary in the second degree, and sentenced to undergo an imprisonment of two years, and on the same day he was convicted of the crime of grand larceny and sentenced to undergo an imprisonment of one year, such sentences not to run concurrently, but one to follow the termination of the other. At the time Bean was sentenced, it was the custom to allow credits for the aggregate period of time, to wit, ten years. Afterwards, acting under an opinion of the Attorney General, credits were allowed for each separate sentence. The result from this change of the method of computation was to increase the sentence of Bean very considerably. Upon representation of the Hon. Carrell Cook, who sentenced Bean, it was shown that it was his intention in imposing the sentence that Bean should receive the full credits based upon the entire time he was to serve. In other words, he intended to impose judgments equal to a single ten-year sentence. In view of these circumstances, a majority of the Judges of the Supreme Court of the State of California recommended that Bean's term be commuted so that he would serve only such time as he would have served had he been given a single ten-year sentence. I, therefore, commuted the sentence of Bean, so that he would obtain his liberty on the first day of October, 1908.

DECEMBER 11, 1907. CLARENCE T. MILLER, convicted in April, 1904, of the crime of rape in the county of San Bernardino, and sentenced to imprisonment for seven years. Thereafter Miller received a parole from the State Board of Prison Directors. From the time of his release his conduct was uniformly good, and petitions were received at this office recommending that his sentence be commuted, giving as reasons therefor that Miller, since his release on parole, had obeyed the law and all the terms of the same. That he had three children living in Upland that required his support, and under the terms of his parole it was difficult for him to keep constantly employed, and the business of the town was of such a character that it rendered it necessary to make frequent changes of employment. Recommendations of similar character were received from Benjamin F. Bledsoe, Judge of the Superior Court of San Bernardino county, and L. M. Sprecher, District Attorney of said county. In pursuance of such recommendations I commuted Miller's sentence so that the same would expire on the 25th day of December, 1907.

DECEMBER 11, 1907. CHARLES BUCHANAN, convicted in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to five years in the State Prison at San Quentin, and on the same day and date was convicted of the crime of assault with a deadly weapon, and sentenced to two years in the State Prison, the latter sentence to take effect on the termination of the former one. This case of Buchanan's conforms in all respects to the case of Orrin Bean, and for the same reasons and upon the statement of the Superior Judge and the recommendation of the Supreme Court, his sentence was commuted to the same length as a single term seven-year sentence.

DECEMBER 16, 1907. JOHN MEYERS, convicted in the Justice Court of the city of Vallejo of the crime of disturbing the peace, and sentenced to thirty days in the county jail. Meyers was a recruit in the United States Navy, and his vessel, the U. S. S. Maryland, was to sail from Vallejo December 21st. On petition of Captain Chauncey Thomas, commanding the U. S. S. Maryland, Meyers was released on December 20th, so that he might be able to join his ship prior to its leaving upon a cruise.

FEBRUARY 14, 1908. EDWARD ROWE, convicted in May, 1904, in Amador County of the crime of assault to murder, and sentenced to ten years in San Quentin. Rowe, at the time of the commission of this offense was but eighteen years of age. His conduct while in prison was of the best. Since his imprisonment his father died, leaving his mother and her three children in destitute circumstances. Favorable action was recommended by Hon. R. C. Rust, Superior Judge of Amador County, and C. P. Vicini, District Attorney, and by many others who were cognizant of the circumstances surrounding the offense and of the present condition of the family.

MARCH 12, 1908. ARTHUR RISHER, convicted in May, 1904, in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to seven years in San Quentin. Risher's prison life was most commendable, and he gave every promise of having completely reformed. The State Board of Prison Directors recommended that his sentence be commuted to such term as should be equitable and reasonable under the circumstances. The Justices of the Supreme Court recommended that the sentence be commuted so as to entitle him to his discharge at once. In view of these recommendations and others on file, Acting Governor Porter commuted his sentence in accordance with the recommendation of the Supreme Court.

MARCH 12, 1908. PHILIP B. NELSON, convicted in San Francisco in August, 1905, of the crime of forgery and sentenced to twelve years at San Quentin. The State Board of Prison Directors recommended that Nelson's term be commuted to such time as should seem reasonable to the Governor. A majority of the Judges of the Supreme Court joined in a further recommendation that such sentence be commuted to a term of three and one half years. In view of these recommendations Acting Governor Porter commuted Nelson's sentence to the term of three and one half years, conditioned that said Nelson should immediately leave the State of California and never return thereto.

MARCH 12, 1908. JOSEPH FITZGERALD, convicted in August, 1900, in the city and county of San Francisco of the crime of arson, and sentenced to twenty years at San Quentin. Fitzgerald, during his term in prison, rendered valuable and material services to the State, and his conduct therein was uniformly good. Under these circumstances the Board of Prison Directors recommended that the said Joseph Fitzgerald be pardoned, and that his sentence be commuted as the Governor might elect. Sentence was accordingly commuted to take effect immediately.

MARCH 12, 1908. HORACE J. DOBBINS, convicted in January, 1901, of the crime of murder in the first degree, in Solano County, and sentenced to imprisonment for the term of his natural life. Dobbins' prison conduct was uniformly good, and it further appeared that Dobbins had saved the life of one J. H. Murray, officer of the prison at San Quentin, who was murderously assaulted by a prisoner condemned to death. In doing so Dobbins risked his own life in the protection of said officer. The Prison Directors cordially recommended that the sentence of Dobbins be commuted, and Acting Governor Porter, in pursuance of such recommendation, ordered that the same be commuted to a term of twenty years.

MARCH 12, 1908. EDWARD MORRELL, convicted in April, 1894, in Fresno County of the crime of robbery, and sentenced to the term of his natural life at San Quentin. The Board of Prison Directors recommended that Morrell's sentence be commuted to such time as would entitle him to immediate release. His application was also strongly recommended by the officers of the prison, the Judge who tried the case, the District Attorney who prosecuted the same, and the City Marshal of Fresno, upon whom the crime was committed. A majority of the Judges of the Supreme Court also joined in the recommendation that such commutation be made. In accordance with such recommendation Acting Governor Porter commuted his sentence to take effect immediately.

MARCH 12, 1908. EDWARD S. BOESE, convicted in March, 1907, of the crime of assault with a deadly weapon, and sentenced to a term of two years in San Quentin. Recommendation for a commutation of sentence was made by the Board of Prison Directors in view of his exemplary conduct while in prison, his good behavior, and their further reasonable belief that Boese would make a good citizen, if released. Acting Governor Porter accordingly granted him a commutation of sentence upon such recommendations.

MARCH 20, 1908. GEORGE C. CONTANT, convicted November, 1898, in the county of Fresno of the crime of robbery, and sentenced for the term of his natural life. Contant rendered most valuable aid to the State in the conviction of John Sontag and Chris Evans, and in consideration of his testimony there given, it was agreed by the representatives of Wells Fargo's Express Company, and the Southern Pacific Railroad Company, against which corporations said crime was committed, and by the Warden of the State Prison at Folsom, that in consideration of the evidence to be given against said Sontag and Evans, they would use their influence to have the sentence of said Contant commuted after he had served a reasonable length of time. Relying upon said promise, Contant, in good faith, appeared at said trial and gave testimony concerning the crime of Sontag and Evans which secured their conviction. It appeared right and proper to Acting Governor Porter that good faith should be kept with said Contant, and that the promise so made to him should be carried out on the part of the State. Accordingly, a commutation was ordered which entitled him to be released immediately.

MARCH 20, 1908. JOHN GRAHAM, convicted in October, 1901, in the county of Napa of the crime of murder in the second degree, and sentenced to a term of twenty years in the State Prison. Graham's conduct after admission to the prison was uniformly good, and prior thereto he had always borne a good reputation, and was a hard working, honorable man, an ex-sailor of the civil war, and one of the seamen

on board Farragut's flagship "Hartford" during its memorable battle. Clemency was recommended for Graham by the Hon. Theodore Bell, former District Attorney of Napa County, who prosecuted him. In view of such conduct and of the recommendations filed in Graham's behalf, Acting Governor Porter commuted his sentence so that he was released immediately.

MARCH 20, 1908. A. H. SHERMAN, convicted in July, 1901, in Fresno County of the crime of rape, and sentenced to eleven years in the State Prison. Sherman was released upon parole in the year 1906, and subsequent to that time his conduct was most exemplary, and he proved himself to be a sober, industrious, and upright man. In view of these circumstances Acting Governor Porter ordered that his sentence be commuted to take effect immediately.

MARCH 31, 1908. HENRY RILEY, convicted in June, 1881, of the crime of robbery, and sentenced to the term of his natural life in the State Prison. Riley's prison life was most commendable, and he gave every promise of having completely reformed. The Board of Prison Directors recommended that his sentence be commuted to a term of forty-five years, in which recommendation they were joined by a majority of the Judges of the Supreme Court of the State of California. In accordance therewith Acting Governor Porter commuted the term of Henry Riley from that of life imprisonment to a term of forty-five years.

MAY 21, 1908. EDWARD MANASSE, convicted in August, 1906, in Sacramento County of the crime of murder in the first degree, and sentenced to be hanged. Manasse's crime was committed under considerable provocation, and prior thereto he had always borne an excellent reputation for peace and quiet. A commutation of sentence was recommended by the District Attorney of Sacramento County, the Sheriff of said county, the Warden of the State Prison at Folsom, together with nearly all the jurors who sat in judgment upon his case. In view of these circumstances, I commuted the sentence of Manasse from hanging to life imprisonment.

JUNE 8, 1908. HARRY SCHWERIN, convicted in Los Angeles County in June, 1906, of the crime of uttering and passing fictitious checks, and sentenced to five years in the State Prison. A majority of the Judges of the Supreme Court of the State of California recommended that Schwerin be granted executive clemency. Recommendations were also received from the Hon. Julius Kahn, member of Congress of California; Hon. M. H. Flint, Postmaster of the city of Los Angeles; Hon. Chas. T. Dunwell, Wm. M. Calder, George R. Malby, and Charles B. Law, members of Congress from the State of New York. Commutation was granted Schwerin so that his sentence would expire on the first day of July, 1908, and it was conditioned that immediately upon his release he would depart from the State of California and never return thereto.

JULY 15, 1908. FRANK H. ROLFE, convicted in Tuolumne County in April, 1882, of the crime of robbery and prior conviction, and sentenced for the term of his natural life at San Quentin. Recommendations for clemency were received from the State Board of Prison Directors, and from a majority of the Judges of the Supreme Court. These recommendations were based upon Rolfe's general good character, worthy conduct as a prisoner, that he had served the equivalent of a 43-year sentence, and upon a promise made by State Senator J. B. Curtin that he would provide a home for him in case of his release. Commutation was granted by which his sentence was fixed at the term of forty-three years.

AUGUST 5, 1908. W. B. MARVIN, convicted in March, 1900, in the Superior Court of the city and county of San Francisco of the crime of burglary in the second degree, and sentenced to a term of four years in the State Prison; and on the same day and date was convicted of the crime of burglary in the second degree, and sentenced to a term of four years in the State Prison; and on the same day and date was convicted of the crime of burglary in the second degree, and sentenced to a term of four years, such terms running consecutively. This case conforms in all respects to the case of Orrin Bean, referred to above, and upon the recommendation of a majority of the Judges of the Supreme Court the sentence of Marvin was commuted to equal a single term sentence of twelve years.

AUGUST 8, 1908. RICHARD KENNER, convicted in February, 1876, in Tehama County of the crime of murder in the second degree, and sentenced for the term of his natural life in the State Prison at San Quentin. On March 14, 1908, the State Board of Prison Directors adopted a resolution recommending the commutation of the sentence of Kenner. In this recommendation the action of the Board was concurred in by a majority of the Judges of the Supreme Court, who recommended the granting of such application. In accordance with such recommendation, Kenner's sentence was commuted to a term of fifty-four years.

SEPTEMBER 15, 1908. JOHN CRAIG, convicted in March, 1908, in Orange County of the crime of burglary, and sentenced for a term of ten years in the State Prison at San Quentin; and at the same time and place was convicted of the crime of burglary in the second degree, and sentenced to an additional term of five years. Craig saved the life of a fellow-prisoner from the murderous assault of Jacob Oppenheimer, and by so doing undoubtedly saved the lives of others, as well as some of

the officers. In view of his conduct in such matter, the Prison Board recommended that he receive executive clemency. A majority of the Judges of the Supreme Court also recommended that the application of the prisoner for a commutation of his sentence be granted to the extent that he be discharged upon the expiration of his ten years' sentence. In accordance with such recommendation, it was directed that Craig be discharged upon the expiration of such sentence.

OCTOBER 2, 1908. EARL G. WESTMORE, convicted in March, 1902, in San Francisco of the crime of assault to murder and sentenced to imprisonment for eight years, and on said day and date was convicted of an assault with a deadly weapon and sentenced to undergo an imprisonment of two years, the second sentence to take effect on the termination of the preceding one. Westmore's case conformed in all respects to that of Orrin Bean referred to above, and for the reasons therein given his sentence was commuted so that he would be entitled to his discharge at the time he would have been discharged had he received a single ten years' sentence.

OCTOBER 11, 1908. WM. R. RAYMOND, convicted in San Francisco in October, 1891, of the crime of murder in the second degree, and sentenced to a term of thirty-five years in the State Prison at San Quentin. During Raymond's term of imprisonment he rendered most unusual and valuable service to the State, and his prison conduct was most exemplary. These facts moved the Board of Prison Directors to recommend his case for executive clemency. The same recommendation was also made by a majority of the Justices of the Supreme Court. In pursuance of such recommendations and in consideration of the valuable services that had been rendered to the State by Raymond, I commuted his sentence so that he would be entitled to his release at once.

OCTOBER 14, 1908. EDWARD H. DAY, convicted in May, 1904, in San Francisco of the crime of burglary in the second degree, and sentenced to imprisonment for three years, and on said day and date was convicted of the crime of burglary in the second degree, and sentenced to an imprisonment of three years, the second sentence to take effect on the termination of the preceding one. Day's sentence conforms in all respects to that of Orrin Bean stated above. In view of these circumstances the Board of Prison Directors and a majority of the Judges of the Supreme Court recommended a commutation of sentence. Commutation was accordingly directed so that his sentence would expire at the time the same would have expired had he been sentenced to a single term of six years.

OCTOBER 28, 1908. ROBERT WHITE, convicted in the county of San Joaquin in July, 1907, of the crime of forgery, and sentenced to a term of six years in the State Prison at San Quentin. White was in the last stages of consumption, and could live but a short time. He had received an offer of a home for the remainder of his life and would not become a public charge or expense to the State of California. Under these circumstances a majority of the Judges of the Supreme Court felt moved to recommend him for clemency, and in accordance with such recommendation his sentence was commuted so that he would be discharged immediately.

OCTOBER 28, 1908. JAMES LEDGER, convicted in San Francisco in November, 1894, of the crime of burglary in the first degree, and sentenced to a term of thirty years in the State Prison at San Quentin. On the 20th day of June, 1908, the Board of Prison Directors recommended that the sentence of Ledger be commuted for the reason that Ledger had been a model prisoner, that there was reasonable ground to believe that he would never again violate the criminal laws and that in the opinion of the Board he had been sufficiently punished. In this view they were joined by a majority of the Justices of the Supreme Court, who also recommended Ledger for clemency. Under these circumstances a commutation was ordered releasing Ledger at once.

OCTOBER 28, 1908. BERNARD P. TAYLOR, convicted in December, 1907, in the county of Alameda of the crime of assault with a deadly weapon, and sentenced to imprisonment in the county jail for a period of eighteen months. Prior to the commission of said offense Taylor had always borne a good reputation as a peaceable, quiet, and law-abiding citizen. Recommendations for clemency were received from the Hon. Claude A. Swanson, Governor of the State of Virginia; Frank Barnett, Sheriff of the county of Alameda, and many of the employees of the county jail and citizens of the county of Alameda. It further appears that the offense was committed under very considerable provocation, and there is no probability of conditions arising that would lead Taylor to again violate the law. Accordingly a commutation was granted him by which he was ordered discharged on the 31st day of December, 1908, after he had served a full year of his sentence.

REPRIEVES OF SENTENCE.

MARCH 25, 1907. LEON SOEDER, convicted in the city and county of San Francisco of the crime of murder in the first degree, and sentenced to be executed in San Quentin Prison on Friday, the 22d day of March, 1907. I ordered a reprieve in the above case so that I might have a better opportunity to determine the propriety of the above sentence. There appearing to be no sufficient reason why the sentence of the court should be modified, Soeder was executed on the 29th day of March, 1907, the date fixed by said reprieve.

APRIL 29, 1907. FRANK WILLARD, convicted in the Superior Court of the county of Mendocino of the crime of murder in the first degree, and sentenced to be hanged in the San Quentin Prison. Willard was reprieved until the 31st day of May, 1907. Thereafter, and on the 28th day of May, 1907, I granted a second reprieve until the 14th of June. These reprieves were granted in order that the court might be enabled to determine Willard's sanity at that time. On the 7th day of May, 1907, a jury impaneled for the purpose of determining his sanity rendered a verdict that he was sane. Willard was executed on the date of the expiration of the last reprieve.

APRIL 15, 1908. EDWARD MANASSE, convicted in the Superior Court of the county of Sacramento in August, 1906, of the crime of murder of the first degree, and sentenced to be executed at Folsom Prison on the 26th day of October, 1906. Manasse appealed said case, and upon the determination of such appeal he was resented to be executed on the 24th day of April, 1908. A petition was filed in this office for Manasse's reprieve and commutation of sentence, signed by the District Attorney and Sheriff of Sacramento County, and by many of the jurymen who tried Manasse. Also requests of like nature were received from Hon. E. C. Hart, Judge of the Superior Court of Sacramento County before whom Manasse was tried, and from Hon. W. H. Reilly, Warden of the Folsom Prison. On the 21st day of May, 1908, I granted a commutation of sentence.

APRIL 15, 1908. J. W. FINLEY, convicted in the Superior Court of the county of Sacramento in December, 1906, of the crime of assault with a deadly weapon with malice aforethought, defendant then being a prisoner undergoing a life sentence in the State Prison. As punishment therefor, Finley was sentenced to be executed at the State Prison at Folsom, the 2d day of March, 1906. Finley thereafter appealed his case to the Supreme Court of the State, which appeal was denied. The Superior Court of Sacramento County thereafter ordered that Finley be executed on the 17th day of April, 1908. By reason of my absence from the State I had no opportunity to examine the matters submitted to this office upon his application for clemency. I therefore reprieved him until the 15th day of May, 1908. Subsequent reprieves were made on May 14th, May 27th, June 10th, and August 12th to enable Finley to apply for a writ of error to appeal to the Supreme Court of the United States.

JULY 28, 1908. COSTANTINO BORSEI, convicted in the Superior Court of Los Angeles County of the crime of murder in the first degree, and sentenced to be executed at San Quentin Prison on the 12th day of August, 1908. Representations were made to me by the Italian Consul, and others, that it was desired to determine the mental competency of said Borsei. To enable this to be done a reprieve was granted until the 11th day of September, 1908. There being no reason to believe at that date that Borsei was of unsound mind, the sentence was duly executed.

DECEMBER 9, 1908. FRANCISCO QUIJADA, convicted in the month of December, 1905, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of the commission of said assault a life prisoner in the State Prison, and sentenced to be hanged. Quijada was convicted under the provisions of Section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the People vs. J. W. Finley, on appeal to the Supreme Court of the United States, I ordered a reprieve until the 12th day of February, 1909, so that he might not be executed until the constitutionality of such section was determined.

DECEMBER 9, 1908. THOMAS P. FALLON, convicted in the Superior Court of the city and county of San Francisco in the month of October, 1904, of the crime of murder in the first degree, and sentenced to be hanged on December 11, 1908. It appeared that Fallon had filed a petition in the Supreme Court of the State of California for a certificate of probable cause to determine the validity of the warrant of execution. At the time of such filing the Supreme Court was not in session, and I granted a reprieve in order to have this matter properly presented before the Supreme Court, and to give them due time for the consideration thereof. Execution of the judgment, by such reprieve, was stayed until Friday, January 8, 1909.

J. N. GILLET, Governor.

INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was introduced:

By Senator Wolfe: Senate Joint Resolution No. 1—Relative to a joint resolution pending in the Congress of the United States, confirming a certain grant of privileges made by the Secretary of the Interior Department to the City and County of San Francisco, under date of May 11, 1908, whereby certain applications for reservoir sites in the Yosemite National Park and Forest Reserves to be used for a source of water supply by said city and county.

MOTION.

Senator Wolfe moved that the rules be suspended, and that Senate Joint Resolution No. 1 be referred to the San Francisco Delegation.

Motion carried.

RESOLUTIONS.

The following resolutions were offered:

By Senator Welch:

Resolved, That the following named persons be and they are hereby appointed to the respective positions as provided by law, with compensations set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the same.

		Per Day.
R. D. Barton	Assistant at the Desk	\$5 00
Archie Mills	Assistant Sergeant-at-Arms	5 00
John F. Kelly	Assistant Sergeant-at-Arms, for Finance Committee	5 00
Samuel Wacholder	Assistant Sergeant-at-Arms	5 00
Bernard Fry	Assistant Sergeant-at-Arms	5 00
Wm. R. Porter	Assistant Minute Clerk	6 00
J. F. R. Arellanes	Assistant Minute Clerk	6 00
Frank Pollard	Assistant Minute Clerk	6 00
C. R. Detrick	Journal Clerk	6 00
Wm. R. Byrne	Assistant Journal Clerk	5 00
C. F. Galbreath	Assistant Journal Clerk	5 00
Robert Stewart	Engrossing and Enrolling Clerk	6 00
Henry F. Ellis	Assistant Engrossing and Enrolling Clerk	5 00
S. S. Silkwood	Assistant Engrossing and Enrolling Clerk	5 00
F. R. Estes	History Clerk	6 00
J. W. Harper	Assistant History Clerk	5 00
A. P. Stanton	Bill Filer	4 00
Thee Cervantes	Bill Filer	4 00
James Taylor	Bill Filer	4 00
Clarence Golden	Bill Clerk	4 00
James P. Devine	Bill Clerk	4 00
T. H. Conboy	Bill Clerk	4 00
J. M. Hammond	Bill Clerk	4 00
Miss Eunice Dewitt	Postmaster	4 00
Hazel H. Gibbs	Assistant Postmaster	4 00
Frank A. Miles	Mail Carrier	3 00
M. L. Leonard	Mail Carrier	3 00
Henry W. Fick	Gatekeeper	3 00
A. J. Box	Gatekeeper	3 00
G. W. B. Yocum	Gatekeeper	3 00
John Falkinstien	Gallery Door Keeper	3 00
T. Reavy	Messenger to State Printer	3 00
Thos. Connell	Messenger to State Printer	3 00
Andrew M. Cunningham	Cloak Room Clerk	4 00
Miss Inga Assmussen	Skilled Stenographer	5 00
Mrs. C. B. Duncan	Skilled Stenographer	5 00
Mrs. M. N. Barnett	Skilled Stenographer	5 00
Earle Freeman	Skilled Stenographer	5 00
Miss Belle Harper	Skilled Stenographer	5 00
Mrs. Sadie A. Suydam	Stenographer to Finance Committee	5 00
J. J. Leonard	Watchman	3 00
Abe Davis	Watchman	3 00
Frank Enser	Watchman	3 00
Mrs. J. Stewart	Janitress for Ladies' Cloak Room	3 00
Lyman Green	Press Mailing Clerk	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Curtin, Catten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Whereupon the President declared that the above-named statutory officers had been duly elected.

Also :

Resolved, That the following named persons be and they are hereby appointed to the respective positions, with compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the same:

	Per Day.
Robina Alexander.....	Committee Clerk.....
J. B. Murphy.....	Committee Clerk.....
M. G. Barnhard.....	Committee Clerk.....
Mrs. Catherine Hartnett.....	Committee Clerk.....
J. J. Guilfoyle.....	Committee Clerk.....
C. P. Moore.....	Committee Clerk.....
Joseph S. Koford.....	Committee Clerk.....
Mrs. Josephine McCann.....	Committee Clerk.....
M. S. Telles.....	Committee Clerk.....
Miss T. Reily.....	Committee Clerk.....
Ed. J. Wall.....	Committee Clerk.....
Miss M. Welch.....	Committee Clerk.....
Al Kibn.....	Committee Clerk.....
James Byrne.....	Committee Clerk.....
Miss M. A. Murray.....	Committee Clerk.....
Miss Edna Jacobs.....	Committee Clerk.....
Miss R. Griffith.....	Committee Clerk.....
Mrs. F. Hoxie.....	Stenographer.....
W. N. Cumming.....	Stenographer.....
R. M. Armstrong.....	Clerk to Judiciary Committee.....
Frank T. Thompson.....	Clerk to Finance Committee.....
Wm. Wilkinson.....	Assistant Sergeant-at-Arms.....
Miss Sophia Martin.....	Committee Assistant.....
D. W. Milne.....	Assistant Engrossing and Enrolling Clerk.....
W. M. Cleveland.....	Assistant Engrossing and Enrolling Clerk.....
J. G. McCall.....	Assistant Sergeant-at-Arms.....
John Sullivan.....	Assistant Sergeant-at-Arms.....
Mrs. Frances Hanson.....	Assistant Postmaster.....
Sherman L. DeHaven.....	Watchman.....
W. H. Crail.....	Bill Filer.....
A. Sarrelli.....	Bill Filer.....
J. P. Fraser.....	Bill Filer.....
John Mayer.....	Bill Filer.....
C. G. Bell.....	Bill Filer.....
F. Dougherty.....	Bill Filer.....
Frank Estudillo.....	Bill Filer.....
Wm. Hartman.....	Bill Filer.....
Dennis Quinlan.....	Bill Clerk.....
D. Dickhoff.....	Bill Clerk.....
Matthew Walsh.....	Bill Clerk.....
Miss M. J. Savage.....	Postmaster.....
Thomas Dillon.....	Gatekeeper.....
George Lovegrove.....	Committee Clerk.....
H. P. Travers.....	Assistant Secretary.....
John F. Carrere.....	File Clerk.....
S. E. Redmond.....	Assistant Minute Clerk.....
J. J. Bauer.....	File Clerk.....
J. F. Nash.....	Assistant Journal Clerk.....
M. Andrews.....	Bill Clerk.....
Frank Grider.....	Gatekeeper.....

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Cartwright, Curin, Cutton, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President declared that the above-named persons had been elected.

By Senator Curtin:

Resolved, That Miss R. E. Henshaw and Miss E. I. Jones be and they are hereby appointed to the positions of stenographers to the Senate, with a compensation of \$5 per diem each, payable weekly, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hard, Kennedy, Leavitt, Martinelli, McCartney, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, and Thompson—20.

NOES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Casinetti, Campbell, Hartman, Holohan, Lewis, Price, Walker, Weed, Welch, Willis, Wolfe and Wright—19.

NOTICES OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that he would this day move a reconsideration of the vote whereby the resolution offered by Senator Curtin was this day refused adoption.

Senator Curtin gave notice that he would this day move a reconsideration of the vote whereby the resolutions offered by Senator Welch were this day adopted.

POINT OF ORDER.

Senator Wright made the point of order that a motion to reconsider a vote on a resolution must be made on the day succeeding that on which the final vote was taken.

DECISION WITHHELD.

The President asked for, and was granted, the consent of the Senate to withhold his decision until he could have an opportunity to consult authorities, and announced that he would this day give his decision.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RECESS.

At eleven o'clock A. M., on motion of Senator Wright, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

DECISION ON POINT OF ORDER.

The President announced that he was now prepared to give his decision on the point of order raised by Senator Wright relative to the time when a reconsideration of the vote taken on a resolution is in order, and declared the point of order not well taken.

MOTION TO RECONSIDER.

In compliance with his notice given this day, Senator Curtin moved that the vote whereby the resolutions offered by Senator Welch this day were adopted be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Caminetti, Campbell, Curtin, Hare, Holohan, Kennedy, and Sanford—7.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cullen, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

MOTION TO RECONSIDER.

In compliance with his notice given this day, Senator Wolfe moved that the vote whereby the resolution offered by Senator Curtin this day was refused adoption be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

WITHDRAWAL OF RESOLUTION.

Senator Curtin asked for, and was granted, unanimous consent to withdraw his resolution relative to the appointment by the Senate of two stenographers.

RESOLUTION.

The following resolution was offered :

By Senator Curtin :

Resolved, That Miss R. E. Henshaw and H. M. Payne be and they are hereby appointed to the position of stenographers to the Senate, with a compensation of \$5 per diem each, payable weekly, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President declared that the above-named persons had been elected.

APPOINTMENTS BY THE PRESIDENT.

The following communication was received and read:

SACRAMENTO, CAL., January 5, 1909.

GENTLEMEN OF THE SENATE: I have to announce that I have this day appointed Messrs. James Connell, William Savage, William Burres, A. McCaldin, George Wales, James Kelly, and P. G. Crow, Porters; also, that I have appointed Masters Charles H. Chase, J. A. Hall, Leon Carroll, Frank Branch, and Wm. R. Saunders as Pages.

Respectfully,

W. R. PORTER, President of the Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result :

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Whereupon the President declared that the appointments had been duly confirmed.

APPOINTMENTS BY THE SECRETARY.

The following communication was received and read:

SACRAMENTO, CAL., January 5, 1909.

MR. PRESIDENT: I beg leave to report that I have this day appointed Frank Mattison, J. W. Kavanagh, and Lewis U. Hoin, Assistant Secretaries at the per diem of \$6 each, and respectfully ask the consent of the Senate thereto.

Respectfully,

LEWIS A. HILBORN, Secretary of Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Hurd, Leavitt, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Whereupon the President declared that the appointments had been duly confirmed.

APPOINTMENT BY THE SERGEANT-AT-ARMS.

The following communication was received and read:

SACRAMENTO, CAL., January 5, 1909

MR. PRESIDENT: I beg leave to report that I have this day appointed W. F. Price, Jr., to the position of Bookkeeper for the Sergeant-at-Arms, at the per diem of \$5, and respectfully ask the consent of the Senate thereto.

Respectfully,

J. LOUIS MARTIN,
Sergeant-at-Arms of the Senate.

Senator Leavitt moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Holohan, Hurd, Kennedy, Martinelli, McCartney, Reily, Rush, Sanford, Savage, Stetson, Strobbridge, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Whereupon the President pro tem. declared that the appointment had been duly confirmed.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day organized by electing the following officers:

Speaker—P. A. Stanton.
Speaker pro tem.—George M. Perine.
Chief Clerk—Clio Lloyd.
Sergeant-At-Arms—John T. Stafford.
Minute Clerk—H. A. Harper.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant Clerk.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Senator Wright, the President declared the Senate adjourned until ten o'clock A. M. of Wednesday, January 6, 1909.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 6, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 5, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PETITION.

The following petition was presented, and ordered printed in the Journal:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

To the State Senate of the State of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day:

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare:

Henry Shaw, Edward E. Avery, P. L. Arnold, E. L. Buzzell, John E. Carter, C. D. Jacoby, J. S. Cessna, W. M. Lester, Walter Busher, D. H. Emert, A. W. Tingly, L. Bostin, James Bennetts, Ingram Willis, J. R. Steeves, O. L. Burritt, P. Bennett, H. Brockhurst, H. F. Harrington, E. A. Thompson, W. L. Turneg, Edward Ingalls, Alfred J. Kennedy.

COMMUNICATIONS.

The President presented the following communications, which were ordered printed in the Journal:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

To the Honorable the Senate and Assembly, State of California:

WHEREAS, The crime of desertion of children by fathers and mothers has alarmingly increased in the last two years; and

WHEREAS, In the vast majority of such cases the children so deserted are thrown upon the charity of the county and of individuals, but mainly upon the county; and

WHEREAS, In about all cases of that kind, if punishment is applied by imprisonment of the guilty, the innocent are the sufferers;

Therefore, be it resolved by the Board of Supervisors of the County of Sacramento, California, That the Senate and Assembly of the Legislature of the State be, and are, hereby respectfully memorialized to consider the situation which exists in many other counties in this relation, and to provide such remedial legislation as may be possible, whereby the burden of the support of deserted wives and children may be cast upon the guilty parties, and the latter be required by enforced labor, or other service, to produce means for the support of the deserted.

Resolved, That the Clerk of the Board is hereby directed to forward to the Senate and Assembly this memorial duly officially certified.

Adopted in open session December 9, 1908, by votes of Ahern, Thisby, Donnelly, McKillip and Johnson (Chairman).

Copy minutes Board of Supervisors, Book "W," page 556, December 9, 1908.

OFFICE OF THE COUNTY CLERK,
COUNTY OF SACRAMENTO. }

I, Wm. B. Hamilton, County Clerk of the County of Sacramento, State of California, and ex officio Clerk of the Board of Supervisors in and for said county and State aforesaid, hereby certify that I have compared the foregoing copy with the original resolution in the above entitled matter, as the same appears in Book "W" of the minutes of the Board of Supervisors, page 556, under date of December 9, 1908, in my office, and that the same is a full, true and correct copy of such original and of the whole thereof.

Attest my hand and the seal of said Board of Supervisors this 2d day of January 1909.

WM. B. HAMILTON.

County Clerk and ex officio Clerk of the Board of Supervisors
Sacramento County, State of California.

By F. GREGORY, Deputy Clerk.

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

LOS ANGELES, CAL., December 14, 1908.

To the Legislature of the State of California, Sacramento, California:

HONORED SIRS: At the recent session of the Synod of California, held at Pasadena, California, October 23, 1908, as the Stated Clerk of the Synod, I was directed to transmit to you the following action:

Resolved, Fourthly, that we convey to the Legislature of our State, through our Stated Clerk, the unanimous conviction of the great Presbyterian denomination, that as a State we are suffering morally, encouraging vice and crime, by the license given that day to all kinds of business and amusements, and that as a State we can not afford to say before all the world that our nation has been wrong and unwise in her reverence for the day, and that we as a denomination in this earnest appeal for laws, making it a day of rest, do it as citizens, without any spirit of bigotry or intolerance, purely for the good of our great commonwealth.

Attest: A true copy of official records, as found on page 38.

WM. S. YOUNG, Stated Clerk.

QUESTION OF PERSONAL PRIVILEGE.

Senator Anthony arose to a question of personal privilege, and read a telegram regarding Senate Joint Resolution No. 1, as follows:

MARC ANTHONY, Senator, Sacramento, Cal.

SAN FRANCISCO, CAL., January 5, 1909.

The Hetch Hetchy resolutions ought to be passed without delay. Please help the matter along.

EDWARD R. TAYLOR, Mayor of San Francisco.

RESOLUTION.

The following resolution was offered:

By Senator Wolfe:

Resolved, That a special committee of three be appointed on contingent expenses and mileage.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that, in accordance with the above resolution, he had appointed Senators Wolfe, Savage, and Kennedy as a special committee on contingent expenses and mileage.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and thirty-five minutes A. M., Senator Leavitt of the Sixteenth District in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, JANUARY 6, 1909.

MR. PRESIDENT: The San Francisco Delegation, to whom was referred Senate Joint Resolution No. 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WELCH, Chairman.

MOTION.

Senator Wolfe moved that the rules be suspended, and that Senate Joint Resolution No. 1 be now considered.

Motion carried.

SENATE JOINT RESOLUTION No. 1.

Relative to a Joint Resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.

WHEREAS, There is pending in the Congress of the United States a joint resolution confirming a certain grant of privileges made by the Secretary of the Interior Department to the City and County of San Francisco, under date of May 11, 1908, whereby certain applications for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, to be used for a source of water supply by said city and county, conditioned upon certain stipulations and agreements made by the parties thereto, were approved by said Secretary of the Interior Department: therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our members in Congress be requested to use all honorable means to secure the prompt adoption by Congress of the joint resolution referred to in the preamble of this resolution.

Resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Joint Resolution No. 1 was this day adopted.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to introduce a bill out of order.

By Senator Leavitt: Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Bill read first time.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Bill No. 1.

SUSPENSION OF RULES.

Senator Leavitt moved that the rules be suspended, and Senate Bill No. 1 be placed on file without reference to committee.

Motion carried.

INTRODUCTION OF BILL—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to introduce a bill out of order.

By Senator Price: Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

Bill read first time.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Bill No. 2.

SUSPENSION OF RULES.

Senator Price moved that the rules be suspended, and Senate Bill No. 2 be placed on file without reference to committee.

Motion carried.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., on motion of Senator Wright, the President pro tem. declared the Senate adjourned until ten o'clock A. M. of Thursday, January 7, 1909.

IN SENATE.

SENATE CHAMBER,

Thursday, January 7, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rely, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 6, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Wright was, on motion of Senator Bates, granted leave of absence until Monday, January 11, 1909.

Senator Boynton was, on motion of Senator Bates, granted leave of absence for this day.

Senator Curtin was, on his own motion, granted leave of absence until Monday, January 11, 1909.

ANNOUNCEMENT OF DEATH.

The President pro tem. announced to the Senate that Senator Wright, member from the Fortieth Senatorial District, had suffered the loss of his father by death.

MOTION.

Senator Leavitt moved that a special committee of three be appointed to draft appropriate resolutions of condolence with Senator Wright, and that, when the Senate adjourn this day, it do so out of respect to the memory of the deceased and in sympathy with the bereaved.

Motion carried unanimously by rising vote.

APPOINTMENT OF SPECIAL COMMITTEE ON CONDOLENCE.

In compliance with the foregoing motion, the President pro tem. appointed Senators Leavitt, Welch and Campbell to comprise the special committee on condolence with Senator Wright.

RESOLUTION.

The following resolution was offered:

By Senator Bates:

Resolved, That the name of John Falkenstein, as Gallery Doorkeeper, be stricken from the roll of attachés of the Senate, and that of Bert Woodbury be substituted in place thereof.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—31.

NOES—None.

Whereupon the President pro tem. ordered the substitution made, and declared the above-named person had been elected.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered :

By Senator Leavitt :

Resolved, That Senate Bills Nos. 1 and 2 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and twenty minutes A. M., Senator Leavitt of the Sixteenth District in the chair.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 7, 1909.

MR. PRESIDENT: Your Special Committee on Contingent Expenses and Mileage, beg to report as follows:

We find the following to be entitled to the sum set opposite their respective names:

Officers.	Mileage.	Amount.
President—Warren R. Porter	358	\$35 80
Secretary—Lewis A. Hilborn	180	18 00
Minute Clerk—G. Ray Horton	894	89 40
Sergeant-at-Arms—J. Louis Martin	168	16 80

Dist.	Senator.	Address.	Mileage.	Amount.
24—	Anthony	San Francisco	180	\$18 00
14—	Bates	Alameda	172	17 20
36—	Bell	Pasadena	914	91 40
7—	Bills	Sacramento	2	20
3—	Birdsall	Auburn	74	7 40
28—	Black	Palo Alto	246	24 60
6—	Boynton	Oroville	172	17 20
25—	Burnett	San Francisco	180	18 00
10—	Camineti	Jackson	118	11 80
31—	Campbell	San Luis Obispo	686	68 60
26—	Cartwright	Fresno	338	33 80
12—	Curtin	Sonora	250	25 00
1—	Cutten	Eureka	624	62 40
39—	Estudillo	Riverside	1,024	102 40
17—	Finn	San Francisco	180	18 00
23—	Hare	San Francisco	180	18 00
22—	Hartman	San Francisco	180	18 00
29—	Holohan	Watsonville	358	35 80
87—	Hurd	Los Angeles	894	89 40
20—	Kennedy	San Francisco	180	18 00
16—	Leavitt	Oakland	168	16 80
11—	Lewis	Stockton	96	9 60
9—	Martinelli	San Rafael	210	21 00
38—	McCartney	Los Angeles	894	89 40
32—	Miller	Visalia	412	41 20
8—	Price	Santa Rosa	180	18 00
18—	Reily	San Francisco	180	18 00
33—	Roseberry	Santa Barbara	920	92 00
5—	Rush	Suisun	82	8 20
4—	Sanford	Ukiah	300	30 00
34—	Savage	San Pedro	954	95 40
15—	Stetson	Oakland	168	16 80
13—	Strobridge	Haywards	196	19 60
35—	Thompson	Alhambra	906	90 60
27—	Walker	East San Jose	256	25 60
2—	Weed	Weed Station	514	51 40
19—	Welch	San Francisco	180	18 00
30—	Willis	Redlands	1,036	103 60
21—	Wolfe	San Francisco	180	18 00
40—	Wright	San Diego	1,146	114 60

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

WOLFE, Chairman

Report and resolution read.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Curtin moved that the vote whereby Senate Joint Resolution No. 1 was adopted be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Caminetti and Curtin—2.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—34.

Joint resolution ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Wolfe, the acting President declared the Senate adjourned out of respect to the memory of the father of Senator Wright.

IN SENATE.

SENATE CHAMBER,

Friday, January 8, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Welch, Willis, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 7, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Hare was, on motion of Senator Caminetti, granted leave of absence until Monday, January 11, 1909.

Senator Kennedy was, on motion of Senator Price, granted leave of absence until Monday, January 11, 1909.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence until Monday, January 11, 1909.

Senator Weed was, on motion of Senator Bates, granted leave of absence until Monday, January 11, 1909.

RESOLUTION.

The following resolution was offered:
By Senator Leavitt:

Resolved, That Rule VIII of the standing rules of the Senate be amended to read as follows:

VIII. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Election and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, fifteen members.
14. Fruit and Vine Interests, nine members.
15. Fish and Game, nine members.
16. Hospitals and Asylums, eleven members.
17. Irrigation, nine members.
18. Judiciary, nineteen members.
19. Labor, Capital, and Immigration, nine members.
20. Military Affairs, five members.
21. Mines and Mining, seven members.
22. Municipal Corporations, seven members.
23. Printing, three members.
24. Prisons and Reformatories, nine members.
25. Public Buildings and Grounds, nine members.
26. Public Health and Quarantine, five members.
27. Public Morals, five members.
28. Roads and Highways, nine members.
29. Rules, five members.
30. Revenue and Taxation, nine members.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Welch, Willis, and Wolfe—31.

NOES—None.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as cases of urgency, Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States.

Also: Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 1 and 2 ordered to enrollment.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

SENATE STANDING COMMITTEES.

Agriculture and Dairying—Senators Rush (chairman), Price, Weed, Strobbridge, Martinelli, Holohan, and Bell.
 Banking—Senators Cutten (chairman), Leavitt, Wolfe, Bates, McCartney, Curtin, and Bell.
 Commerce and Navigation—Senators Wright (chairman), Welch, Savage, Bates, Cutten, Martinelli, Burnett, Kennedy, and Hare.
 Contingent Expenses—Senators Wolfe (chairman), Rush, and Kennedy.
 Corporations—Senators Bates (chairman), Welch, Wright, McCartney, Burnett, Bills, Walker, Roseberry, Finn, Miller, and Kennedy.
 County Government—Senators Thompson (chairman), Walker, Weed, Willis, Bates, Wright, Price, Miller, and Campbell.
 Drainage, Swamp and Overflowed Lands—Senators Lewis (chairman), Rush, Walker, Burnett, Bills, Cutten, Strobbridge, Miller, and Holohan.
 Elections and Election Laws—Senators Estudillo (chairman), Leavitt, Hartman, Wolfe, Savage, Wright, Stetson, Kennedy, and Hare.
 Education—Senators Black (chairman), Willis, Anthony, Reily, Estudillo, Roseberry, Birdsall, Thompson, Martinelli, Caminetti, and Cartwright.
 Engrossment and Enrollment—Senators Strobbridge (chairman), Birdsall, and Bell.
 Executive Communications—Senators Hurd (chairman), Bills, Lewis, Finn, and Campbell.
 Federal Relations—Senators Burnett (chairman), Black, and Sanford.
 Finance—Senators Leavitt (chairman), Wolfe, Welch, Weed, Hartman, Reily, McCartney, Black, Price, Boynton, Hurd, Burnett, Curtin, Sanford, and Cartwright.
 Fruit and Vine Interests—Senators Bills (chairman), Price, Rush, Walker, Estudillo, Strobbridge, Birdsall, Cartwright, and Bell.
 Fish and Game—Senators Welch (chairman), Bates, Willis, Weed, Black, Hartman, Finn, Sanford, and Caminetti.
 Hospitals and Asylums—Senators Price (chairman), Hartman, Reily, Black, Lewis, Stetson, Strobbridge, Roseberry, Martinelli, Holohan, and Sanford.
 Irrigation—Senators Walker (chairman), Willis, Boynton, Bills, Hurd, Estudillo, Thompson, Curtin, and Cartwright.
 Judiciary—Senators Willis (chairman), Wolfe, Wright, McCartney, Savage, Boynton, Anthony, Burnett, Cutten, Estudillo, Martinelli, Roseberry, Stetson, Thompson, Curtin, Cartwright, Caminetti, Miller, and Campbell.
 Labor, Capital, and Immigration—Senators Reily (chairman), Savage, Weed, Boynton, Cutten, Lewis, Finn, Hare, and Bell.
 Military Affairs—Senators Anthony (chairman), Hurd, Cutten, Strobbridge, and Bell.
 Mines and Mining—Senators Boynton (chairman), Weed, Rush, Willis, Birdsall, Caminetti, and Miller.
 Municipal Corporations—Senators Savage (chairman), Leavitt, Welch, Boynton, Reily, Lewis, and Hare.
 Printing—Senators Finn (chairman), Anthony, and Hare.
 Prisons and Reformatories—Senators Martinelli (chairman), Welch, Hartman, Birdsall, Bills, Finn, Thompson, Kennedy, and Holohan.
 Public Buildings and Grounds—Senators Stetson (chairman), Strobbridge, Reily, Walker, Anthony, Bills, Hurd, Hare, and Campbell.
 Public Health and Quarantine—Senators Roseberry (chairman), Price, McCartney, Stetson, and Holohan.
 Public Morals—Senators Weed (chairman), Wolfe, Leavitt, Savage, and Kennedy.
 Roads and Highways—Senators Birdsall (chairman), Rush, Black, Hurd, Cutten, Roseberry, Lewis, Caminetti, and Campbell.
 Rules—Senators Hartman (chairman), Leavitt, Wolfe, Thompson, and Cartwright.
 Revenue and Taxation—Senators McCartney (chairman), Wright, Bates, Anthony, Stetson, Estudillo, Burnett, Curtin, and Sanford.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:
 By Senator Wolfe:

Resolved. That the following shall be the rule of procedure of the Senate in the introduction of bills: That the roll of Senators shall be called from "A" to "W" and then back from "W" to "A," and as each member's name is called he shall have the privilege of introducing one bill.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wright: Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Bates: Senate Bill No. 4—An Act to amend section 1 of an Act entitled "An Act requiring the wardens of the State Prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Walker: Senate Bill No. 5—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom; for game preservations and restoration, and to make appropriation for the purpose of carrying out the objects of this Act."

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bills: Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

By Senator Birdsall: Senate Bill No. 7—An Act to provide for the survey, location and construction of a state highway and from Sattley, Sierra County, to Marysville, Yuba County, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Black: Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Boynton: Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved

March 11, 1872, by amending section six hundred and twenty-five of said Code of Civil Procedure, relating to verdicts of juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 10—An Act relating to high schools, and providing for their support by the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Campbell: Senate Bill No. 11—An Act prescribing the powers and duties of the Board of Railroad Commissioners, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the Board of Trustees, the appointment of a Board of Trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 13—An Act to regulate railroad passenger rates.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Cutten: Senate bill No. 14—An Act to regulate the assessment of migratory live stock, and to provide for an equitable distribution of the taxes derived therefrom, and to prohibit any other taxes thereon.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Estudillo: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to the boards of education and text-books and providing for free text-books.

Constitutional amendment referred to Committee on Education.

By Senator Finn: Senate Bill No. 15—An Act to amend Section 607f of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch at Atascadero, California, for military camps, maneuvers and rifle ranges, for regular troops and national guard.

Joint resolution referred to Committee on Finance.

By Senator Holohan: Senate Bill No. 16—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in

said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905; providing for the appointment of a State Board of Forestry and the appointment of a State Forester, and relating to their duties and term of office.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Hurd: Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leavitt: Senate Bill No. 18—An Act to define and regulate the business of banking.

Bill read first time, and referred to Committee on Banking.

By Senator Lewis: Senate Bill No. 19—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as are necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Martinelli: Senate Bill No. 20—An Act to prohibit bookmaking, wagering, betting and selling of pools on any trial or contest of skill, speed or power of endurance, of, by, or between men, animals, or machines, or upon any chance, causality or uncertain or contingent event, and to prohibit the maintaining of places wherein bookmaking or poolselling is carried on; and to provide the punishment for the violation thereof.

Bill read first time, and referred to the Committee on Public Morals.

By Senator McCartney: Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Bill read first time, and referred to Committee on Finance.

By Senator Reilly: Senate Bill No. 23—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1203½, relative to teamsters' lien on building and property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry: Senate Bill No. 24—An Act providing for a postal direct primary for the nomination of candidates for all elective officers in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state, and national conventions, and prohibiting corrupt practices in such elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Rush: Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend section one of an Act approved March 20, 1905, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20, 1899,' entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation for sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.'"

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sanford: Senate Joint Resolution No. 3—Relative to transportation rates, and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

Joint resolution referred to Committee on Federal Relations.

By Senator Stetson: Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad

Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employés, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employés, and other persons, and providing penalties for such offenses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 28—An Act to provide for certain necessary improvements and repairs, and to furnish certain necessary medical and surgical appliances for the hospital at the Veterans' Home of California, located at Yountville, Napa County, and making appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Thompson: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate bill No. 30—An Act to add a new section to the Penal Code to be known as section three hundred and thirty seven *a* thereof and relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Welch: Senate Bill No. 31—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the City and County of San Francisco; to pay the cost of dredging said tidal basin; and constructing therein wharves, docks, piers and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to the San Francisco Delegation.

By Senator Willis: Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recording of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Wolfe: Senate Bill No. 33—An Act to establish the School of Trades of the State of California in the City and County of San Francisco, and providing for the selection, location, acquisition and purchase of a site or sites in the said City and County of San Francisco, for the erection, equipment and furnishing of a building or buildings, and for the improvement of the grounds thereof for the use and occupancy of said School of Trades, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Willis: Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Welch: Senate Bill No. 36—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the City and County of San Francisco, for the purpose of creating an inland harbor, in said city and county, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the City and County of San Francisco; to pay the cost of dredging said tidal basin; and constructing therein, wharves, docks, piers and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

Bill read first time, and referred to the San Francisco Delegation.

By Senator Walker: Senate Bill No. 37—An Act to amend section two thousand one hundred and forty-one of the Political Code of the State of California, relating to the powers of the state commission in lunacy.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Thompson: Senate Bill No. 38—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 39—An Act making an appro-

priation for the construction of an addition to the hospital at the Veterans' Home of California located in Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Stetson: Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half day session of the public schools for that day.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 42—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Rush: Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Roseberry: Senate Bill No. 44—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on about or near any land adjacent thereto.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Reily: Senate Bill No. 45—An act amending Section 1856 of the Civil Code, relative to lien of depository of hire on property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 46—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances, dangerous to health, and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Rush: Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lewis: Senate Bill No. 49—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and the wiring and installation of a telephone system and all the necessary equipments thereof in said buildings, and to make appropriations therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Leavitt: Senate Bill No. 50—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justice's Courts and justices of the peace.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator McCartney: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State Laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Anthony: Senate Bill No. 52—An Act extending the scope of the determination upon the writ of review, or certiorari, and amending Section No. 1074 of the Code of Civil Procedure therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 53—An Act to regulate appointments, transfers, promotions, and removals in the Civil Service of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 54—An Act to amend section five of an act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,'" approved March 20, 1874, and to add three new sections to said Act, to be known as sections twenty, twenty-one and twenty-two, in relation to cruelty to animals, and the arrest, trial and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act." approved March 14, 1901.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no

licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Cutten: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Constitutional Amendment No. 3—Relative to the State and county boards of a equalization and their powers and duties.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Sanford: Senate Bill No. 57—An Act entitled, an Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered; requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Constitutional Amendment No. 4—Relative to the railroad commission.

Constitutional amendment referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 58—An Act providing for the appointment of a consulting board to the department of engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Anthony: Senate Constitutional Amendment No. 5—Relative to abolishing poll tax.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Black: Senate Constitutional Amendment No. 6—Relative to legislative powers and reserving to the people of the State of California the power to propose legislation, laws and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature.

Constitutional amendment referred to Committee on Judiciary.

By Senator Birdsall: Senate Constitutional Amendment No. 7—To propose to the people of the State of California an amendment of Sections 5 and 6 of Article IV of the Constitution of the State relating to the composition of the Assembly.

Constitutional amendment referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Bates: Senate Bill No. 60—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 61—An Act to provide for a State highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Price: Senate Bill No. 62—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to make certain improvements, alterations, additions, and repairs upon the grounds of the said home, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Anthony: Senate Constitutional Amendment No. 8—Relative to exempting personal property from taxation.

Constitutional amendment referred to Committee on Revenue and Taxation.

Also: Senate Constitutional Amendment No. 9—Relative to providing for initiative or the enactment of certain laws in the State Legislature by popular vote.

Constitutional amendment referred to Committee on Elections and Election Laws.

Also: Senate Constitutional Amendment No. 10—Relative to referendum, or ratification and rejection by popular vote of legislative enactments, in cities, counties and cities and counties.

Constitutional amendment referred to Committee on Elections and Election Laws.

By Senator Bills: Senate Bill No. 63—An Act for the creation of a tuberculosis commission, providing for a secretary therefor, requiring reports to be made to the commission, and making an appropriation for necessary expenses.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Birdsall: Senate Bill No. 64—An Act to amend Section 626½ of the Penal Code, relating to the protection of deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Black: Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to

the admission to practice, without examination, of persons who shall have satisfactorily completed the three-year law course of the Department of Law of Leland Stanford Junior University.

Bill read first time, and referred to Committee on Education.

By Senator Price: Senate Bill No. 66—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for the boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Caminetti: Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such Board with the Interstate Commerce Commission.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 68—An Act to amend section six hundred and twenty-five of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Constitutional Amendment No. 11—Relative to proposed amendment to article thirteen of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Cutten: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Bill read first time, and referred to Committee on Education.

By Senator Estudillo: Senate Bill No. 70—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors and marines, and the families of those deceased or indigent, and to defray funeral expenses.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 71—An Act to prohibit alien ownership of lands in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 72—An Act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator McCartney: Senate Bill No. 74—An Act to provide for the building, equipping and furnishing of an armory, to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make appropriation for the same.

Bill read first time, and referred to Committee on Finance.

By Senator Anthony: Senate Constitutional Amendment No. 12—Relative to recall by electors of elective officials.

Constitutional Amendment referred to Committee on Elections and Election Laws.

By Senator Leavitt: Senate Bill No. 75—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said Board.

Bill read first time, and referred to Committee on Finance.

By Senator Lewis: Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Bill read first time, and referred to Committee on Hospitals, and Asylums.

By Senator Martinelli: Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Bill read first time, and referred to Committee on Education.

By Senator McCartney: Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California to be numbered section sixty-seven *a*, relating to the number of Superior Court judges and providing for the appointment of three additional Superior Court judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 79—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the care and training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Reily: Senate Bill No. 80—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony (by request): Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

Constitutional amendment referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 81—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital and to furnish and equip said buildings, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Sanford: Senate Bill No. 82—An Act to provide for acquiring a right of way for deepening and widening the channel or outlet of Clear Lake, in Lake County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Savage: Senate Bill No. 83—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations, approved March 13, 1883, by adding a new section thereto to be known as Section 4a, relating to the disincorporation and reorganization and consolidation of municipalities and by amending Section 8 of said Act relating to consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rush: Senate Bill No. 84—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Thompson: Senate Bill No. 85—An Act to add a new section of the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Bill read first time, and referred to Committee on County Government.

By Senator Stetson: Senate Constitutional Amendment No. 14—Relative to the formation of new counties and cities and counties.

Constitutional amendment referred to Committee on County Government.

By Senator Price: Senate Bill No. 86—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Welch: Senate Bill No. 87—An Act to amend Section 651 of the Penal Code of the State of California, regulating the employment of hours and labor of children, prohibiting the employment of illiterate minors, providing for the enforcement thereof by the Commissioner and the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Willis: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporation," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 89—An Act to regulate the licensing, and defining the powers of, detectives, patrolmen, and watchmen, within the boundaries of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 90—An Act to repeal Section 1121 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 91—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Caminetti: Senate Bill No. 92—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 93—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Thompson: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Bill read first time, and referred to Committee on Education.

By Senator Stetson: Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read first time, and referred to Committee on Hospitals and Asylums:

By Senator Savage: Senate Bill No. 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 97—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Stetson: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Rush: Senate Bill No. 99—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and

restore the principal tower of the buildings at the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Roseberry: Senate Bill No. 100—An Act entitled "An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges."

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator McCartney: Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and state officers; and making county officers in certain cases ex officio officers of cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Martinelli: Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females at the Stockton State Hospital Farm, and to make appropriations for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Leavitt: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Hurd: Senate Bill No. 107—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Price: Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Constitutional Amendment No. 15—Relative to the exemption from taxation of all of the buildings used solely

and exclusively for the accommodation, support and maintenance of minor orphans, or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use and occupation thereof.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Estudillo: Senate Bill No. 109—An Act to amend Sections 3897 and 3898 of the Political Code, relating to the collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Cutten: Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered seventeen hundred and twenty-four, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 112—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Boynton: Senate Bill No. 114—An Act regulating the furnishing and use of cars, for shipment of freight upon lines of railway operating within the State of California, requiring railway companies, persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, to furnish cars for shipment of freight upon written application from persons, firms or corporations having freight for shipment, and providing penalties and damages to be paid by persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California to persons, firms or corporations having freight for shipment, for failure to furnish cars in which to ship freight; and providing penalties and damages to be paid to persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, by persons applying for and using cars for shipment of freight, who fail to load or unload cars so furnished within a reasonable time.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Bill read first time, and referred to Committee on Corporations.

By Senator Birdsall: Senate Bill No. 116—An Act amending Section 6 of an Act entitled "An Act to regulate and license the hunting

of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Black: Senate Bill No. 117—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Savage: Senate Constitutional Amendment No. 16—To propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in common schools throughout the State.

Constitutional amendment referred to Committee on Education.

By Senator McCartney: Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employes or servants, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 119—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Leavitt: Senate Bill No. 120—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, statutes of 1905, page 777 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 122—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Rush: Senate Bill No. 123—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 124—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing systems at the Napa State Hospital, including

the construction of a cement reservoir for distributing purposes and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 125—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 126—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital and to furnish and equip said buildings and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 127 - An Act allowing certain pensions and providing for the payment of the same, of employes of twenty-one years and upwards of service by the State of California on one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Birdsall: Senate Bill No. 128 - An Act to provide a State highway from Meyer's Station to Tahoe City, and making appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McCartney: Senate Bill No. 129--An Act to amend the Civil Code by adding thereto a new section to be numbered 3496, authorizing boards of health and health officers summarily to abate nuisances dangerous to health; providing for the payment of the expenses thereof; making the amount of such expense a lien on the property where such nuisance has been found; and providing for the recovery of such sums by foreclosure of such lien.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 130 -An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 132—An Act to amend Sections 2981 and 2982 of the Political Code, relating to the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto to be numbered section "twelve hundred *a*" and section "twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 134—An Act to add a new section to Chapter II, Title IV, Part III of the Code of Civil Procedure, to be numbered 1182, and providing an additional method of claiming liens.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 135—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 136—An Act to amend section two thousand two hundred and eighty-nine of the Political Code, relating to institutions and children entitled to aid.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight *c*, to prevent the catching of surf fish, yellow fin or spot fin croaker, and providing penalties therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 138—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relative to cohabitation and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 17—Relative to the number of the members of the grand jury.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 18—Relative to trial by jury.

Constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 139—An Act to appropriate the sum of \$10,000.00 to pay the claim of Harvey O. Waterman.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 140—An Act to amend Section 1070 of the Penal Code, relating to the number of preremptory challenges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 141—An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 142—An Act providing for an appropriation of \$20,000.00 for building two cottages on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 143—An Act providing for an appropriation of \$1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 144—An Act providing for an appropriation of \$3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 145—An Act providing for an appropriation of \$1,000.00 for the purchase of books and periodicals for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 146—An Act providing for an appropriation of \$3,500.00 for repairs on the main building of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 147—An Act providing for an appropriation of \$5,000.00 for the erection of a manual training building on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 148—An Act providing for an appropriation of \$12,000.00 for building and equipping an hospital and receiving cottage for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 149—An Act providing for an appropriation of \$2,500.00 for the purchase of a boiler for the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 150—An Act providing for an appropriation of \$5,000.00 for traveling expenses and salary of a parole officer for Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 153—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations, etc.

Bill read first time, and referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 154—An Act to amend Section 1737 of the Code of Civil Procedure, relating to public administrators. Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 155—An Act to amend Section 1181 of the Penal Code, relating to new trials in criminal cases. Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 156—Relating to creation of a firemen's relief, health, life insurance and pension fund. Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 157—An Act to amend Section 172 of the Civil Code, relating to the management and control of community property. Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 158—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships. Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 159—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming. Bill read first time, and referred to Committee on Public Morals.

By Senator Black: Senate Joint Resolution No. 4—Relative to the establishment of a parcels post. Joint resolution referred to Committee on Federal Relations.

Also: Senate Bill No. 160—An Act to establish a bird and arbor day. Bill read first time, and referred to Committee on Education.

By Senator Boynton: Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor. Bill read first time, and referred to Committee on Fruits and Vines.

By Senator Cutten: Senate Bill No. 162—An Act amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section to be designated as Section 1122. Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Caminetti: Senate Bill No. 163—An Act appropriating money for the equipment of the trades building at the Preston School of Industry. Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry. Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 165—An Act appropriating money for finishing and furnishing Assembly hall and equipping gymnasium at the Preston School of Industry. Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 167—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 168—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Boynton: Senate Bill No. 170—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools, by changing the time for the election and organization of the boards of trustees of union high school districts.

Bill read first time, and referred to Committee on Education.

REPORT OF SPECIAL COMMITTEE ON CONDOLENCE.

The following report was received:

ON CONDOLENCE WITH SENATOR WRIGHT.

SACRAMENTO, CAL., January 8, 1909.

MR. PRESIDENT: Your Committee on Condolence with Senator Wright beg leave to report as follows:

WHEREAS, The Senate of the State of California has received the sad intelligence of the death of the father of our distinguished member, Hon. Leroy A. Wright; therefore, be it

Resolved, That we, the members of the Senate of the State of California, do hereby express our profound sorrow in the sad affliction which has befallen our distinguished member, and we extend to him hereby our heartfelt sympathy; and be it

Resolved, That when the Senate adjourns on this day, it do so out of respect to the memory of the deceased.

F. W. LEAVITT (Chairman).

A. E. CAMPBELL.

R. J. WELCH.

Resolution read, and unanimously adopted by rising vote.

UNFINISHED BUSINESS.

Senator Wolfe moved the adoption of the following committee report and resolution:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 7, 1909.

MR. PRESIDENT: Your special committee on Contingent Expenses and Mileage beg leave to report as follows:

We find the following to be entitled to the sum set opposite their respective names:

Officers.	Mileage.	Amount.
President—Warren R. Porter.....	358	\$35 80
Secretary—Lewis A. Hilborn.....	180	18 00
Minute Clerk—G. Ray Horton.....	894	89 40
Sergeant-at-Arms—J. Louis Martin.....	168	16 80

Dist.	Senator.	Address.	Mileage.	Amount.
24	Anthony	San Francisco	180	\$18 00
14	Bates	Alameda	172	17 20
36	Bell	Pasadena	914	91 40
7	Bills	Sacramento	2	20
3	Birdsall	Auburn	74	7 40
28	Black	Palo Alto	246	24 60
6	Boynton	Oroville	172	17 20
25	Burnett	San Francisco	180	18 00
10	Caminetti	Jackson	118	11 80
31	Campbell	San Luis Obispo	686	68 60
26	Cartwright	Fresno	338	33 80
12	Curtin	Sonora	250	25 00
1	Cutten	Eureka	624	62 40
39	Estudillo	Riverside	1024	102 40
17	Finn	San Francisco	180	18 00
23	Hare	San Francisco	180	18 00
22	Hartman	San Francisco	180	18 00
29	Holohan	Watsonville	358	35 80
37	Hurd	Los Angeles	894	89 40
20	Kennedy	San Francisco	180	18 00
16	Leavitt	Oakland	168	16 80
11	Lewis	Stockton	96	9 60
9	Martinelli	San Rafael	210	21 00
38	McCartney	Los Angeles	894	89 40
32	Miller	Visalia	412	41 20
8	Price	Santa Rosa	180	18 00
18	Reilly	San Francisco	180	18 00
33	Roseberry	Santa Barbara	920	92 00
5	Rush	Suisun	82	8 20
4	Sanford	Ukiah	300	30 00
34	Savage	San Pedro	954	95 40
15	Stetson	Oakland	168	16 80
13	Strobridge	Haywards	196	19 60
35	Thompson	Alhambra	906	90 60
27	Walker	East San Jose	256	25 60
2	Weed	Weed Station	514	51 40
19	Weich	San Francisco	180	18 00
30	Willis	Redlands	1036	103 60
21	Wolfe	San Francisco	180	18 00
40	Wright	San Diego	1146	114 60

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

WOLFE, Chairman.

Motion duly seconded.

The question being on the adoption of the report and resolution.

The roll was called, and the resolution and report adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Willis, and Wolfe—29.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That the State Controller be and he hereby is authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$40.00, to be used as a post office revolving fund, and the State Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Holahan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Welch, Willis, and Wolfe—30.

NOES—None.

ADJOURNMENT.

At twelve o'clock A. M., on motion of Senator Wolfe, the President declared the Senate adjourned out of respect to the memory to the father of Senator Wright, until Monday, January 11, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, January 11, 1909.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holahan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 8, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

RESOLUTIONS.

The following resolutions were offered:

By Senator Black:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator McCartney:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, for the sum of \$100 for rubber stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Roseberry:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to the Committee on Contingent Expenses.
By Senator Estudillo:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$75.00, payable out of the contingent fund of the Senate for the purchase of stamps to be used by the Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Savage:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Committee on Contingent Expenses:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby authorized to purchase the necessary rubber mats for the cuspidors and patent ink wells for the desks of members of the Senate, the same to be paid for out of the contingent fund of the Senate.

WOLFE,
CLERK.
KENNEDY,
Committee.

Resolution read, and adopted.

By Senator Martinelli:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate, and newspaper representatives duly accredited on the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and Journals.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Welch:

Resolved, That the Lieutenant-Governor and each member of the Senate be, and he is hereby, allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Hurd:

Resolved, That the Secretary of the Senate is authorized and directed to furnish stationery to the standing committees of the Senate; that requisition on the Secretary of the Senate for such stationery be limited to \$30 each for the committees on Finance and Judiciary, and \$15 each for all other standing committees, each committee's requisition to be signed by the chairman thereof.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Willis:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to purchase for the use of the members of the Senate forty-five copies of Deering's California Codes and General Laws, and Treadwell's latest edition of the Constitution of California, the same to be paid for out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Reily:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the Senators forty tin office boxes for care of private papers.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Martinelli:

Resolved. That the Sergeant-at-Arms be, and he is hereby directed, to procure for the use of the Senate committees such files as are necessary for their work, the Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Rush:

Resolved. That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers and committees of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 11, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States.

Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

And report that the same have been correctly enrolled; and presented the same to the Governor on this eleventh day of January, 1909, at ten o'clock and twenty minutes A. M.

STROBRIDGE, Chairman.

INTRODUCTION AND FIRST READING OF BILL.

By Senator Price: Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read first time.

SUSPENSION OF RULES.

Senator Price moved that the rules be suspended, and Senate Bill No. 171 be placed on file without reference to committee.

Motion carried.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Bill No. 171.

SPECIAL ORDER SET.

Senator Price moved that the consideration of Senate Bill No. 171 be made a special order for Tuesday, January 12, 1909, immediately after the reading of the Journal.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Willis: Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known

as "The Congregate Dining-room," and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 173—An Act to provide for the improvement of the roads, gutters and curbs on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 174—An Act providing for the enlarging and re-roofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 176—To provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 177—An Act to provide for the construction of storm drains, and the completion of storm drains, on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 178—An Act to amend section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 179—An Act to amend Sections 270, 270a, and 270b of the Penal Code of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 181—An Act to amend Section 274 of the Code of Civil Procedure of California, relating to compensation of official reporters of the Superior Court, and providing an alternative manner of paying said compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 185—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 186—An Act to amend Section thirty-four hundred and ninety-four of the Political Code of the State of California, relating to the price and terms of sale of school lands.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 188—An Act to amend section thirty-seven hundred and eighty-eight of the Political Code of the State of California, relating to the sale and redemption of lands acquired under tax sales by the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 189—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 190—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 194—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Wolfe: Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Curtin: Senate Bill No. 196—An Act to amend section three thousand six hundred and twenty-eight of the Political Code, relating to the assessment of property.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Estudillo: Senate Bill No. 197—An Act to provide for the union of two or more high school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union high school districts, and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read first time, and referred to Committee on County Government.

By Senator Martinelli: Senate Bill No. 199—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 200—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 201—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 202—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital, to be used as a receiving ward for male and female patients and the treatment of acute cases by hydrotherapy, electricity, and all other modern methods.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 203—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 204—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 207—An Act to amend section eight hundred and sixty-two of an Act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 208—An Act to amend an act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 209—An Act to provide for the construction, equipment and operation of a gasoline power boat for the purpose of biological and ichthyological research work to be stationed at Venice, California.

Bill read first time, and referred to Committee on Finance.

By Senator Kennedy: Senate Bill No. 210—An Act to amend section fourteen hundred and sixty-eight of the Penal Code, relating to appeals to the Superior Court from a Justice's or Police Court, and relating to the statement of the case required in said appeal, and relating to the time in which said statement must be filed and said appeal perfected.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 211—An Act to amend section two hundred and thirty of the Code of Civil Procedure, relating to jury trials in Justices' Courts and in police and other inferior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Bill read first time, and referred to the San Francisco Delegation.

By Senator Reily: Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905.

Bill read first time, and referred to Committee on Finance.

By Senator Weed: Senate Bill No. 215—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 216—An Act making an appropriation to pay the claim of Modoc County against the State of California (for money expended by said county in controlling and stamping out contagious diseases and preventing the spread thereof throughout the State).

Bill read first time, and referred to Committee on Finance.

By Senator Black: Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto to be numbered section four thousand one hundred and thirty-five *a*, vali-

dating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers, or encumbrancers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry: Senate Bill No. 218—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Holohan: Senate Bill No. 220—An Act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to elections within this State.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Price (by request): Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also (by request): Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the clerk of the Supreme Court in the city of San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Campbell: Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 224—An Act to amend sections four thousand and thirteen, four thousand and twenty-three, and four thousand two hundred and fifty-four of the Political Code, relating to county officers and their compensation.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Bill No. 225—An Act providing for the issuance and sale of State bonds to create a fund for the purpose of making a safe and suitable harbor in the city and county of San Francisco, in India Basin, and the tidal basin contiguous thereto, north of said India Basin, and extending therefrom to Islais Creek in said city and county, by dredging said basins and constructing in and about the same, wharves, docks, piers, bulkheads, approaches and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to the San Francisco Delegation.

Also: Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State

Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Bill read first time, and referred to the San Francisco Delegation.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to the San Francisco Delegation.

By Senator Anthony: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 229—An Act to establish and support a Bureau of Immigration.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Cutten: Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

Joint resolution referred to Committee on Federal Relations.

By Senator Anthony: Senate Constitutional Amendment No. 19—Relative to exempting small watercraft from taxation to encourage maritime skill among the Californians.

Read, and referred to Committee on Revenue and Taxation.

COMMUNICATION.

The following communication was read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., January 9, 1909.

To the Senate of the State of California:

A cordial invitation is extended to you to witness the ceremonies of the Electoral College of California during which the ballots will be cast for President and Vice-President of the United States at the State Capitol, Sacramento, Monday, January 11, 1909, at two o'clock P. M.

P. S. TELLER,

Chairman of the State Central Committee.

W. H. DAVIS, Secretary.

RESOLUTION (OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the invitation to attend the ceremonies of the Electoral College of California, to be held at the State Capitol, Sacramento, on Monday January 11, 1909, at two o'clock P. M., be and is hereby accepted.

Resolution read, and adopted.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 12, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 11, 1909, the further reading was dispensed with, on motion of Senator Wolfe.

APPROVAL OF JOURNALS.

The Journals of Monday, January 4th, Tuesday, January 5th, Wednesday, January 6th, and Thursday, January 7, 1909, having been corrected, were read and approved.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 171, the same was taken up.

CASE OF URGENCY.

The following resolution was offered:

By Senator Price:

Resolved, That Senate Bill No. 171 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Catten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holahan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PETITION.

Senator Black presented the following petition, which was ordered printed in the Journal:

PETITION AGAINST ANY PROPOSED SUNDAY LAW OR ANY OTHER FORM OF RELIGIOUS LEGISLATION FOR THE STATE OF CALIFORNIA.

To the Senate of the State of California Legislature of 1909:

We, the undersigned male citizens of the State of California (twenty-one years of age or over), believing that the civil enactment of any Sunday law would be subversive of religious liberty, and tend to destroy the peace and harmony of neighborhoods without elevating their morality above the present standing (which we believe to be equal to that of other states having Sunday laws), do therefore earnestly petition your honorable body to take no steps which will in any way permit a Sunday law, or any other form of religious legislation, to be placed upon the statute books of the State of California.

(Signed)

J. M. HODGES,
WARREN BECK,
J. H. SMITH,
And 35,695 others.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 12, 1909. }

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-seventh session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

June 29, 1907, Henry E. Sherer of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, term expired.

October 1, 1907, C. H. Garoutte, of San Francisco, a member of the Board of Bank Commissioners, vice C. H. Dunsmoor, term expired.

March 2, 1908, William S. Vawter, of Santa Monica, a member of the Board of Bank Commissioners, vice Herman Silver, resigned.

July 13, 1908, William C. Watson, of San Francisco, a member of the Board of Bank Commissioners, vice John C. Lynch, resigned.

March 18, 1907, Charles W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice self, term expired.

April 24, 1907, Warren R. Porter, of Watsonville, a member of the State Board of Prison Directors, vice C. M. Belshaw, resigned.

July 1, 1907, Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice C. N. Felton, resigned.

February 11, 1908, Charles Sonntag, of San Francisco, a member of the State Board of Prison Directors, vice Don Ray, term expired.

May 11, 1907, Nathaniel Ellery, of Eureka, State Engineer.

June 5, 1907, Alex Gordon, of Sacramento, a member of Consulting River Board Department of State Engineering.

June 5, 1907, George W. Tatterson, of Stockton, a member of the Consulting River Board, Department of State Engineering.

June 5, 1907, M. J. Boggs, of Colusa, a member of the Consulting River Board, Department of State Engineering.

June 18, 1907, W. J. Smith, of Vorden, a member of the Consulting River Board, Department of State Engineering.

June 18, 1907, Edward S. Brown, of Sacramento, a member of the Consulting River Board, Department of State Engineering.

May 14, 1907, George Stone, of San Francisco, a member of the Board of Fish Commissioners, vice W. W. Van Arsdale, resigned.

May 14, 1907, F. W. Van Sicklen, of San Francisco, a member of the Board of Fish Commissioners, vice W. E. Gerber, resigned.

June 17, 1908, Michael J. Connell, of Los Angeles, a member of the Board of Fish Commissioners, vice John Bermingham, Jr., term expired.

April 27, 1908, Thomas Wallace, of San Francisco, Port Warden for the Bay of San Francisco, vice H. A. Thompson, term expired.

April 27, 1908, John Leale, of San Francisco, Port Warden for the Bay of San Francisco, vice R. E. Nickel, term expired.

August 4, 1908, W. H. Pratt, of San Francisco, Port Warden for the Bay of San Francisco, vice Henry Piltz, term expired.

June 25, 1907, A. J. Foster, of San Diego, Port Warden for San Diego, vice W. R. Farnsworth, term expired.

April 23, 1907, E. M. Freeman, of Oakland, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia.

April 23, 1907, H. Z. Howard, of San Francisco, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia.

April 23, 1907, M. C. Erskine, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia.

July 23, 1907, Frank Abrahams, of San Diego, Pilot Commissioner for the Port of San Diego.

April 3, 1907, Charles F. Crothers, of San Jose, a trustee of the State Normal School at San Jose, vice J. B. Sanford, name withdrawn.

December 4, 1907, George H. Mastick, San Francisco, a trustee of the State Normal School at San Jose, vice self, term expired.

December 4, 1907, H. D. Tuttle, of San Jose, trustee of the State Normal School at San Jose, vice F. H. Babb, term expired.

July 1, 1907, L. S. Thorpe, Los Angeles, a trustee of the State Normal School at Los Angeles, vice self, term expired.

July 1, 1907, George I. Cochran, a trustee of the State Normal School at Los Angeles, vice self, term expired.

July 1, 1907, F. C. Lusk, of Chico, a trustee of the State Normal School at Chico, vice self, term expired.

July 1, 1907, E. A. Warren, a trustee of the State Normal School at Chico, vice self, term expired.

July 1, 1907, J. W. Stearns, of San Diego, a trustee of the State Normal School at San Diego, vice R. M. Powers, term expired.

July 1, 1907, John S. Ackerman, San Diego, a trustee of the State Normal School at San Diego, vice George W. Marston, term expired.

July 30, 1908, Isidore B. Dockweiler, of San Diego, a trustee of the State Normal School at San Diego, vice self, term expired.

February 11, 1908, Walter J. Mathews, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice F. M. Wilson, term expired.

April 24, 1908, Frank S. Johnson, of San Rafael, a member of the Board of Regents of the University of California, vice J. A. Waymire, term expired.

April 24, 1908, W. H. Crocker, of San Francisco, a member of the Board of Regents of the University of California, vice Charles M. Ellinwood, term expired.

July 30, 1908, Walter Lindley, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice C. C. Desmond, term expired.

Respectfully,

J. N. GILLET,.
Governor of California.

Message read, and referred to Committee on Executive Communications.

RESOLUTIONS

The following resolutions were offered :

By Senator Leavitt :

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to purchase such furniture as is required to properly equip the different committee rooms of the Senate, the same to be paid out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Rush:

Resolved, That the following-named persons be allowed the sums set opposite their respective names for services rendered the Senate prior to its organization, the same being payable out of the contingent fund:

J. L. Martin, 5 days at \$6.00	\$30 00
J. G. McCall, 4 days at \$5.00	20 00
H. P. Travers, 4 days at \$5.00	20 00
W. Price, 2 days at \$5.00	10 00
W. R. Porter, 2 days at \$6.00	12 00
Samuel Watchholder, 2 days at \$5.00	10 00
Lewis A. Hilborn, 15 days at \$8.00	120 00
G. Ray Horton, 10 days at \$6.00	60 00
W. Strait, 6 days at \$2.50	15 00

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 12, 1909.

MR. PRESIDENT: Your Committee on Rules have had under consideration the standing rules of the Senate, and recommend that the following be adopted as the standing rules of the Senate:

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M. and after Tuesday, January 26, 1909, a recess shall be taken at 12:30 P. M. to 2 P. M. unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the Preceding Day.
4. Presentation of Petitions
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to Chair.*

The President shall have the right to name any Senator to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment to Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Elections and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, fifteen members.
14. Fruit and Vine Interests, nine members.
15. Fish and Game, nine members.
16. Hospitals and Asylums, eleven members.
17. Irrigation, nine members.
18. Judiciary, nineteen members.
19. Labor, Capital, and Immigration, nine members.
20. Military Affairs, five members.
21. Mines and Mining, seven members.
22. Municipal Corporations, seven members.
23. Printing, three members.
24. Prisons and Reformatories, nine members.
25. Public Buildings and Grounds, nine members.
26. Public Health and Quarantine, five members.
27. Public Morals, five members.
28. Roads and Highways, nine members.
29. Rules, five members.
30. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.
2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct Journal of the proceedings of the Senate.
4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign, reassign or transfer all attachés and employés to their respective duties.

11. *No Records or Papers to Be Taken From Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release and the traveling expense for himself and special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem.

It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must Be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Lobbying.*

No person engaged in presenting to the Senate or its committees any business, or claim for legislation, shall be permitted to engage in such business during sessions of the Senate, or be permitted on the floor of the Senate during its sessions. And any person transgressing this rule shall be removed from the floor of the Senate and be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tem, are charged with the enforcement of this rule and this rule can not be suspended except by a two-thirds vote of the entire Senate.

16. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

17. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bills, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

18. *Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

19. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

20. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the

question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

21. *Printing.*

Seven hundred and fifty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

22. *Number of Copies to Be Printed.*

Five hundred copies shall be printed of each document or other matter ordered unless the Senate especially directs a different number.

23. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

24. *What Shall be Printed in the Journal.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

25. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

26. *When Not in Committee of the Whole, Proceedings Must Be Entered in the Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

27. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

28. *Introduction and Reading of Bills.*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee; *provided*, that no bill shall be introduced in the Senate forty days after the commencement of the session without the consent of three-fourths of the members thereof. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two-thirds of the Senate shall by vote of yeas and nays, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be treated the same as bills, provided they shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

29. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

30. *Engrossed Bills to Be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

31. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

32. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the Senate shall be referred to the Committee on Finance before being read the second time.

33. *Committee Amendments—How Made.*

When amendments to a bill are offered by a committee, the clerk of such committee shall prepare three copies of such amendment, one to go with the bill to the Printer, one to the Minute Clerk, and one to the Journal Clerk.

34. *Committees—When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

35. *Standing Committees, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

36. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two thirds vote, and no expenses or mileage of attachés shall be allowed.

37. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

38. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

39. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

40. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

41. *Bills "Passed on File" Placed at Foot of File.*

When bills have been "passed on file" for the second time they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

42. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

43. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

44. Order of Questions Under Debate.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

45. Motions Not to Be Debated Until Seconded and Announced.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

46. Reading of a Paper, if Objected to, Determined Without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

47. Amendments and Substitutes—When in Order.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

48. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

49. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

50. Short of Final Question, Two Thirds Vote Not Requisite on Proposition to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

51. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent, or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session. There shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration.

52. Reconsideration of Bills Sent to Assembly.

When a bill, resolution, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

53. Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

54. Motion to Reconsider May Be Debated.

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

55. Amendments to Original Question.

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

56. Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

57. Special Orders.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

58. Form of Previous Question—Call of Senate.

The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

59. Ayes and Noes: Members Must Answer—No Vote After Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

60. Rules in Senate and Committee of the Whole.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

61. Suspending and Changing Rules.

No standing rules or order of the Senate shall be rescinded or changed without a vote of two thirds of the members elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

62. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

63. Messengers, When Introduced.

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

64. Smoking.

No smoking shall be allowed within the Senate Chamber.

65. *Cases not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

HARTMAN, Chairman.

Report ordered printed in the Journal.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above report of Committee on Rules be made a special order for Thursday, January 14, 1909, immediately after the reading of the Journal.

Motion carried.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 12, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, for the sum of \$100 for rubber stamps, expressage and postage, the same to be payable out of the contingent fund of the Senate.

Also:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$75.00, payable out of the contingent fund of the Senate, for the purchase of stamps to be used by the Press Mailing Clerks.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate, and newspaper representatives duly accredited on the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and Journals.

Also:

Resolved, That the Lieutenant Governor and each member of the Senate be, and he is hereby allowed \$25 for contingent expenses, as provided by the constitution, payable out of the appropriation for the contingent expenses of the Senate.

Also:

Resolved, That the Secretary of the Senate is authorized and directed to furnish stationery to the standing committees of the Senate; that requisition on the Secretary of the Senate for such stationery be limited to \$30 each for the committees on Finance and Judiciary, and \$15 each for all other standing committees, each committee's requisition to be signed by the chairman thereof.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to procure for the use of the senators forty tin office boxes for care of private papers.

Also:

Resolved, That the Sergeant-at-Arms be, and is hereby, directed to procure for the use of the Senate committees such files as are necessary for their work, the Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to rent typewriting machines for the use of the stenographers and committees of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental.

Also:

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to purchase such furniture as is required to properly equip the different committee rooms of the Senate, the same to be paid out of the contingent fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to purchase for the use of the members of the Senate forty-five copies of Deering's California Codes and General Laws, and Treadwell's latest edition of the Constitution of California, the same to be paid out of the contingent fund of the Senate.

Have had the same under consideration, and report the following amendment:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to purchase for the use of the members of the Senate forty-five copies of Deering's California Codes and General Laws, and Treadwell's latest edition of the Constitution of California, the annotated amendments to the Code, the same to be paid for out of the contingent fund of the Senate.

And recommend that report as amended be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received:

ON INVESTIGATION OF BANKING CONDITIONS.

To His Excellency, the Governor of the State of California, and to the Members of the Senate and Assembly of the Legislature of the State of California.

SIR: In pursuance of a concurrent resolution adopted by the Legislature of the State of California on the 23d day of November, 1907, your committee, consisting of Senators F. W. Leavitt, E. L. Wolfe and J. B. Curtin, and Assembly men P. A. Stanton, C. P. Cutton and C. M. Fisher, met on February 20, 1908, and organized by the selection of Hon. F. W. Leavitt, of the Senate, as chairman, and Hon. P. A. Stanton, of the Assembly, as vice-chairman. A secretary, in the person of Mr. Frank T. Thompson, was thereupon selected.

That the committee might become thoroughly familiar with the methods employed by those engaged in the banking business in different parts of our diversified State, and that it might acquire detailed knowledge of the financial conditions and needs prevailing in different centers of the State, sessions of the committee were held in the cities of San Francisco, Los Angeles, Oakland, and Sacramento.

A great deal of testimony relative to banking methods, together with valuable suggestions appertaining to the revision of the laws governing banks, was presented to the committee and reduced to writing. The information so obtained will prove, it is believed, of great value when placed in the hands of the Governor and before the committees of the separate houses.

Your committee is pleased to report that it met with kind and courteous treatment at the hands of the bankers throughout the State; that there was shown an earnest desire by them to assist your committee in its labors to the end that there might be drafted a banking Act that would, if enacted into law, adequately protect the savings of depositors from loss and punish infractions and violations of such law.

For the convenience of the bankers of the State numerous meetings were held in San Francisco. At the invitation of the California Bankers' Association your committee attended a convention of that body in the city of Pasadena on May 14th, 15th, and 16th, at which convention there was appointed a legislative committee to work in conjunction with your committee. This committee consisted of the following bankers, namely:

J. M. Henderson Jr., Sacramento Bank, Sacramento; W. S. Bartlett, German-American Savings Bank, Los Angeles; R. H. Beamer, Farmers and Merchants' Bank, Woodland; L. A. Blochman, Blochman Banking Company, San Diego; J. F. Brooke, San Jose Safe Deposit Bank, San Jose; C. C. Bush, Bank of Shasta County, Redding; J. C. Drake, Los Angeles Trust Company, Los Angeles; J. Y. Eccleston, Oakland Bank of Savings, Oakland; L. Gundelfinger, Bank of Central California, Fresno; Elliott McAllister, Colusa County Bank, Colusa; I. F. Moulton, The Bank of California, San Francisco; Frank Pellett, Bank of St. Helena, St. Helena; J. F. Sartori, Security Savings Bank, Los Angeles; B. G. Tognazzi, Central Trust Co. of California, San Francisco; F. H. West, Stockton Savings and Loan Society, Stockton; Lovell White, San Francisco

Savings Union, San Francisco, and M. O. Wyatt, Bank of Winters, Winters, and gave your committee most valuable assistance in working with it during the time your committee was engaged in drafting the Act which is attached.

Your committee has also carefully studied the laws governing banks and banking in force in other states of the nation, and as the result of its investigations and researches herewith submits a banking Act which it believes will, if adopted, give to the people of the State of California better banking laws than are in force in any other state in the Union.

The committee feels under great obligation to Hon George A. Sturtevant, Judge of the Superior Court of the City and County of San Francisco, for his helpful assistance, and considers itself extremely fortunate in having had the benefit of his extensive knowledge of the banking laws and decisions.

The expenditures of your committee have been as follows:

TRAVELING EXPENSES.	
F. W. Leavitt	\$134 00
E. I. Wolfe	66 00
J. B. Curtin	395 20
P. A. Stanton	534 50
C. P. Cutten	516 20
C. M. Fisher	123 75
	<hr/> \$1,769 65
EXPENSES OF SECRETARY.	
Salary (10 months at \$175.00 per month)	\$1,750 00
Typewriting	684 05
Printing pamphlets, letterheads and envelopes	74 50
Stationery and stamps	31 85
Traveling expenses	133 75
	<hr/> 2,674 15
Total	<hr/> \$4,443 80

Respectfully submitted.

F. W. LEAVITT (Chairman).
J. B. CURTIN.
P. A. STANTON.
CHARLES P. CUTTEN.
EDWARD I. WOLFE.

Dated, Sacramento, Cal., January 7, 1909.

Report ordered printed in the Journal.

ON INVESTIGATION OF STATE PRINTING OFFICE.

SACRAMENTO, December 5, 1908.

To His Excellency Governor JAMES N. GILLET, and

To the Legislature of the State of California.

On March 9, 1907, the Assembly of the State of California, by resolution duly passed, provided for the appointment of a committee of five of its members whose duty it should be to examine into, and report upon, any and all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing, of the business and affairs of the State Printing Office. Also to examine into and report upon the methods pursued by the Superintendent of State Printing in the purchase of supplies, equipment and material for the use of his office, with a view of ascertaining whether in the purchase of such supplies and materials the best interests of the State were subserved, etc.

The full text of the resolution is as follows:

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment and all necessary materials, with a view of ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved, to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is, authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary

means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I, and Part III of the Political Code of this State relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpoenas and orders, or other process, that may be issued by the chairman of said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature; and that the said committee shall also report to the Governor of the State of California the result of its investigations and recommendations immediately upon the completion of its labors; and there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of \$500 to pay the charges and costs to be incurred by the said committee to be appointed hereunder for clerical and other assistance and for fees of witnesses attending said investigation, and for other expenses connected with said investigation aside from the personal expenses of said committee, and the Controller is hereby directed to draw his warrant for \$500 in favor of the chairman of said committee, when appointed, and the Treasurer is hereby directed to pay the same for said purposes."

According to the provisions of this resolution, the Speaker of the Assembly appointed Assemblymen M. Estudillo, S. H. Beckett, N. W. Thompson, R. H. Jury, and George W. Root as such committee.

The undersigned, members of said committee, would respectfully report that such committee has conducted a thorough and impartial investigation of all the matters within the scope of the said resolution, in the course of which three sessions were held at the city of Sacramento. These sessions were public, attended by all the members of the committee as well as by Mr. Shannon, Superintendent of State Printing, and Judge Devine, his attorney.

The first session was called to order on August 19, 1907, and Mr. S. D. Pelton was then sworn as stenographer for the committee.

No written charges either against the Superintendent of State Printing or against his manner of conducting the office have ever been filed with or submitted to this committee. In a general way, it may be stated, that two accusations were sought to be proven: First, that the Superintendent of State Printing had secretly, without authority of law, and without notice, sold certain printing presses at a price far below their actual value; second, that through the influence of that official awards of bids to furnish material and supplies to the State Printing Office were made to favored persons or firms, such awards not being based upon the merit of their proposals or the interest of the State, but from corrupt motives and in utter disregard of both the letter and the spirit of the law and the rights of other bidders. In the course of the investigation a number of witnesses were summoned and examined. Among those were representatives of firms which had been unsuccessful bidders for the contract to furnish supplies and materials for the State Printing Office, employing printers of Sacramento, and officers of the typographical union of that city.

SALE OF PRINTING PRESSES.

Four old presses and some other machinery were sold by the Superintendent of State Printing at private sale. In no case, however, was any such sale made without the previous authorization of the State Board of Examiners. While the prices realized were low, it was shown by the testimony that the presses had been used for many years, were of slow speed and wholly unfitted to form any part of the equipment of a modern, efficient plant. It also appeared from the testimony that the prices realized were approximately the fair market value of the articles sold.

AWARD OF CONTRACTS FOR SUPPLIES.

Under the provisions of the Political Code the Superintendent of State Printing is required annually to submit an estimate of quantities and samples of materials that will be needed during the next year to the Board of Examiners, which board then authorizes him to invite, by public advertisement, the submission of bids for furnishing such materials. The Superintendent and Board of Examiners, acting as a Board of Award, receive and examine the bids which are submitted in pursuance to the advertisement and determine the awards.

Your committee took the testimony of members of the State Board of Examiners and examined their records with respect to these awards, in addition to hearing the representatives of firms which had submitted bids for supplies. From all of the evidence given and the facts disclosed to the committee, it appeared conclusively that the Board of Award had complied strictly with the provisions of the law. No evidence was submitted showing or tending to show that any collusion or undue influence had been used, or that the Superintendent of State Printing had any part in the acceptance or rejection of any bids so submitted, other than as one member of the Board of Award above mentioned.

The committee has had the cordial support and coöperation of the Governor throughout this work, and by his direction a portion of the Secret Service Fund of the State was expended in the investigation.

COST OF PRINTING, ETC.

Your committee would call attention to the provisions of Section 531 of the Political Code, to the effect that the Superintendent of State Printing shall at no time pay compositors, pressmen or assistants, a higher rate of wages than is paid by those employing printers in Sacramento for like work. It appears from the testimony taken by this committee and also from the reports of previous investigating committees, notably that of 1901, that the rate of wages paid in the State Printing Office is, and for a number of years past has been, considerably in excess of the commercial rate in Sacramento, for the same class of labor. This plain provision of the Code seems to have been entirely ignored. This also constitutes one of the reasons that the cost of printing in the State Printing Office has generally been greater for similar work than in private establishments.

Since 1903 a considerable amount has been appropriated for and expended in the purchase of new and improved machinery and labor-saving devices for use both in the composing room and bindery, with the result that the cost of turning out finished work has been reduced. In view of the increasing volume of business in the office, and in order to provide for economically handling the business of the next legislative session further purchases of machinery should be made. During the period covered by this investigation, substantial reductions have been made by the Superintendent of State Printing in the prices charged by him to the different departments for the work required by them of his office. This is illustrated by tables which appear later in this report.

To give a general idea of the cost of the State Printing Office, we will take the Controller's report for the years 1906-7, which cost \$1,235 for 1,000 copies. His report consisted of 188 pages, and no doubt was a difficult piece of work to do. However, the testimony of witnesses taken during the session of the committee, for instance, that of Mr. Hassett, showed that it would cost at least from \$1,200 to \$1,500 for a private concern to print the same.

Incidentally the committee wishes to state that it was a most difficult matter to secure testimony in reference to the comparative cost of printing, from printers in Sacramento and San Francisco, the witnesses claiming that it was hard for them to give an estimate of the cost for the simple reason that they had not seen the original copy, and knew nothing of the amendments that might have been made to the original copy.

Another instance that would give an idea of the cost of printing is a reference to Assembly Bill 975, known as the "General Appropriation Bill." This bill cost a total of \$174.30 for nine printings. The bill contained 23 pages, and the estimate of the cost is given as follows:

A. B. 975, 23 pages—1,000.		
Composition	\$39 00	
Press	6 00	
Bind	6 00	
Stock	4 35	
		\$55 35
First Amendment, 1,000. 23 pp.		
Composition	\$6 50	
Press	6 00	
Bind	6 00	
Stock	4 35	
		\$22 85
First Amendment, Engrossed—75. 23 pp.		
Composition	\$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		\$5 90
Second Amendment, 1,000. 23 pp.		
Composition	\$7 50	
Press	6 00	
Bind	6 00	
Stock	4 35	
		\$23 85
Second Amendment, Engrossed—75. 23 pp.		
Composition	\$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		\$5 90

Third Amendment, 1,000. 24 pp.

Composition	\$4 75	
Press	6 00	
Bind	6 00	
Stock	4 35	
		\$21 10

Third Amendment, Engrossed—75. 24 pp.

Composition	\$1 00	
Press	3 00	
Bind	1 50	
Stock	40	
		\$5 90

Enrolled, 75 copies; 50 book, 25 bond. 21 pp.

Composition	\$12 00	
Press	3 00	
Bind	3 00	
Stock	95	
		\$18 95

Chapter—500. 20 pp.

Composition	\$4 00	
Press	5 00	
Bind	3 50	
Stock	2 00	
		\$14 50

These two are picked up as instances of the charges in the State Printing Office that seem to be high. However, in justice to the Superintendent of State Printing it must be said that he has succeeded in making some material reductions in the cost of printing, and that, in one instance, at least, the report of the Secretary of State, the cost is reduced more than one half. The Superintendent of State Printing attributes this reduction to the use of Mergenthaler machines in the making of the report, whereas in 1906 the work was done by hand. The list follows:

Board of Health.

1906.				1908.			
No. copies.	No. pages.	Cost.	Price per page.	No. copies.	No. pages.	Cost.	Price per page.
1,200	156	\$857.50	\$6 50	1,800	227	\$1,235.50	\$5.45

Building and Loan Commission.

1,000	83	\$416.50	\$5 02	750	125	\$406.25	\$3.25
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Secretary of State.

1,000	133	\$1,204.50	\$9.06	500	155	\$697.50	\$4.50
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Home Adult Blind.

500	12	\$95.00	\$7.92	250	13	\$44.00	\$3.38
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State Agricultural Society.

1905.							
1,000	278	\$1,678.00	\$6 04				
5,000	(1906) 230	\$1,368 00	\$5 05	5,000	214	\$1,075.00	\$5.02

Superintendent of State Printing.

500	42	\$236.00	\$5.82	500	41	\$209.50	\$5.11
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Surveyor General.

1,000	33	\$161.25	\$4.89	200	8	\$39.00	\$4.87
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Dental Examiners.

3,000	62	\$295.00	\$4.78	2,500	62	\$226.75	\$3.68
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According to the State Controller a comparison of the total expenditures of the State Printing Office for five years last past averages about the same as for five years previous to 1898, and the figures of the State Controller show that a large portion of the expenditures is attributable to the cost of manufacturing school text-books and less to general printing.

STATE PRINTING OFFICE EXPENDITURES.

Fiscal Years.	Total Expenditures.	For School Text-books.	All Except Text-books.
1892-3	\$283,233 13	\$35,725 88	\$247,507 25
1893-4	270,228 03	116,558 73	153,669 30
1894-5	288,019 59	102,296 89	185,722 70
1895-6	284,515 76	96,286 59	188,229 17
1896-7	285,213 05	91,988 94	193,224 11
Total for five years.....	\$1,416,209 56	\$442,839 03	\$973,370 53
Average for five years.....	283,241 91	88,567 80	194,674 10
1897-8 appropriations vetoed.	\$98,980 09	\$92,009 93	\$6,979 16
1898-99	208,864 06	82,558 83	126,305 23
1899-1900	139,886 71	71,790 45	68,096 26
1900-1	242,633 37	82,378 05	160,255 32
1901-2	170,214 40	84,283 05	85,931 35
1902-3	229,223 20	76,771 11	152,452 09
Total for five years.....	\$990,821 74	\$397,781 49	\$593,040 25
Average for five years.....	198,164 32	79,556 29	118,608 03
1903-4	\$237,519 32	\$109,312 80	\$128,206 52
1904-5	329,873 67	168,801 64	161,072 03
1905-6	270,621 37	137,918 61	132,702 76
1906-7	345,311 73	146,600 32	198,711 41
1907-8	230,191 85	131,139 21	99,052 64
Total for five years.....	\$1,413,517 94	\$693,772 58	\$719,745 36
Average for five years.....	282,703 58	138,754 51	143,949 07

To give the public a general idea of the wages paid by the State Printing Office the following table is given:

Deputy State Printer.....	\$2,400 00	per year.
Bookkeeper	1,980 00	per year.
Stenographer	1,080 00	per year.
Copy Editor	1,800 00	per year.
General Foreman	225 00	per month.
Bookkeeper	125 00	per month.
Foreman, bindery	175 00	per month.
Foreman, pressroom	175 00	per month.
Assistant Foreman, pressroom	30 00	per week.
Foreman, book room.....	36 00	per week.
Foreman, job room.....	36 00	per week.
Foreman, electro department.....	36 00	per week.
Timekeeper	150 00	per month.
Watchman	100 00	per month.

To that table should be added: compositors are paid \$4.50 per day, pressmen \$4.50 per day, binders \$4 and \$4.50, porters and laborers \$3 to \$3.50 per day, and folders and sewers \$10 to \$12 a week.

It was a difficult matter to secure accurate information in regard to the wages and salaries paid by private concerns throughout the State, for the reason that they varied with the importance of the institution and the volume of business done, but it was generally conceded that the State Printing Office is the largest institution of its kind in the State. However, the committee secured some figures that may serve as a basis of comparison, to a certain extent. For instance: The testimony produced before the committee showed that general foremen were paid all the way from \$30 to \$45 per week, and in one instance—that of a firm in San Francisco, general foremen received from \$75 to \$85 per week; the foreman of the bindery \$6 per day, foreman of the pressroom \$30 per week, and linotype operators from \$5 to \$6 per day. The testimony showed also that compositors received a minimum wage \$22.50 per week, pressmen \$18 to \$30 per week, job compositors \$4 per day, finishers \$4 per day as a minimum and rulers \$4 per day as a minimum, and folders receive from \$8 to \$12 per week.

A schedule furnished by a large establishment in Los Angeles shows the following wages paid: Foreman of the composing room, \$7.50 per night, linotype operators \$6.30 per night of seven hours, make-up men and hand compositors an average of \$4 and \$5 per night of seven to eight hours, proof readers \$3.50 to \$5 per night of seven hours, copyholders \$2 to \$2.50 per night of seven hours; head machinist \$7 per night; assistant machinist \$3.50 to \$4.50 per night. In the pressroom and stereotype room, the foremen receive from \$6.50 to \$7.50 per night, journeymen receive from \$3.50 to \$5.00 per night. These men, of course, are the best and most efficient that can be secured in that establishment.

The same institution pays in its job room as follows: Foreman \$5 per day, proof reader \$3, copyholders \$1.83, stone men and compositors \$3 to \$3.75, and in the bindery this institution pays the foreman \$5 per day, head finisher \$4, head forwarder \$3.33, forwarders, binders and rulers, \$2.50 to \$3, forelady of the folding, sewing, stitching and collating department, \$2.33, perforators, collators, etc., \$1 to \$1.66. In the pressroom the foreman is paid \$5.83, pressmen \$1.75 to \$3.33, porter \$1.16, electrotypers are paid \$4, bookkeeper \$4.50, assistant bookkeeper \$3.00, carpenters \$4.00.

STATE SCHOOL BOOKS.

As about one half of the expenditure of the State Printing Office is incurred in the preparation of school books, any inquiry into the method of conducting that office would be incomplete unless this important item was taken into consideration. As the law provides that such books must be sold at cost, your committee devoted considerable time to ascertaining the method in use for determining such cost. The investigating committee of 1901 reported that by reason of errors in computation some of the books were then being sold for less than their actual cost, entailing, of course, a loss to the State. Improved machinery, since introduced, has materially reduced the cost of manufacture, but the selling price for the books remains the same. Your committee is of opinion that a more strict and thorough system of auditing and accounting should be installed in the State Printing Office, in order that the exact cost of each series of school books printed may be determined. It is evident from the following table furnished by the Superintendent of State Printing that books are being produced at a cost much below the selling price.

STATEMENT OF ALL VALUES SCHOOL TEXT-BOOK DEPARTMENT OTHER THAN MACHINERY AND FIXTURES.

	Jan. 5, 1903.	June 30, 1907.
Stock on hand	\$31,878 16	\$68,388 05
Finished books in warehouse.....	36,400 73	94,288 98
Cash credit in treasury.....	14,487 21	5,598 05
	<hr/>	<hr/>
	\$82,766 10	\$168,275 08
Unfinished books (at 25c.).....	54,905 00	177,269 00
	<hr/>	<hr/>
	\$137,671 10	\$345,544 08
Gain in 4½ years	207,872 98	

In the opinion of this committee, one of two plans should be adopted: Either the present price of books (which in no case exceeds the price charged by private publishers for similar books) should be maintained and a fixed per cent of the income of the school book fund set aside until the original investment of over \$400,000 by the State has been repaid to the State, or the price to the school children should be reduced to actual cost of production.

Under our present system the State Board of Education adopts the school books. These books are written by various authors employed by Eastern book companies, and the copyrights and plates which are owned by book companies throughout the country, are rented to the State of California. For these copyrights and the plates a royalty is paid by the State of California, as follows:

On the primer	\$.048
First reader .....	.056
Second reader .....	.072
Third reader .....	.10
Fourth reader .....	.12
First book of arithmetic .....	.07
Grammar school arithmetic .....	.13
English lessons, book 1.....	.08
English lessons, book 2.....	.12
Introductory history .....	.15
Grammar school history .....	.30
Introductory geography .....	.125
Grammar school geography .....	.28
Physiology and hygiene .....	.12
Speller, book 1.....	.025

These royalties amount to a considerable sum of money, as will appear by the following: Royalties were paid from July 1, 1906, to June 30, 1907, to the American Book Company, \$36,017.45; McMillan & Co., \$3,780.49; D. C. Heath & Co., \$5,881.02; Ginn & Co., \$11,540.02. Total, \$57,218.98.

Of course this committee is not versed in the intricacies of our modern system of education, the science of writing text-books or the art of adjusting royalties, but it appears that this is a big royalty for the children of California to pay for the privilege of using the book company's plates and copyrights. It would appear to us that some way ought to be devised to keep that money in the State of California. The committee found that useful and necessary changes are often made to the books

furnished by the Text-book Committee. In saying this, the committee is cognizant of the fact that it is claimed that when the books were written in California they were very inferior to the present text-books. The committee finds that the price of the school book to the child is controlled by the cost of printing by the Superintendent of State Printing, plus the royalty and postage. The number of books to be printed seems to be a mere matter of guess work thus far. In order to ascertain the number of books to be printed, the sale of books for the previous year, and the number of census children, are used as the basis to estimate the number of books to be ordered printed.

CHANGES SUGGESTED.

We believe that there would be a material reduction in the cost of printing, of legislative bills, for instance, if some rule could be adopted by the Legislature of California such as the one existing in the State of Wisconsin. If every bill introduced in the House, before being read, should be referred to a committee on revision, the duty of which committee should be to ascertain whether the bill complied with the rules and statutory requirements, the committee having power to make corrections and recommendations as to the form of the bill, we believe it would save cost in printing; for the drawing of bills properly is difficult; we believe this will be acknowledged; ambiguities and errors creep frequently into a bill through the lack of experience and skill of the legislator; honest mistakes to be sure, but mistakes that in the end prove expensive to the State. The courts realize this, for the judges said, in one case at least (*In re Moffitt*, 35 Cal. Dec. 379), "For their ignorance they, and not the courts are responsible, and for their omissions they, and not the courts, must find a remedy."

We would suggest the adoption of the following rules as a means of saving expense in printing:

1. Minor clerical errors in any bill, memorial or resolution, such as errors in orthography or grammar, or the use of one word for another, as "affect" for "effect," wrong numbering or references, whether such errors occur in the original bill or in any amendment thereto, shall be corrected by the Chief Clerk as a matter of course upon the approval of the chairman of any committee to which the bill was referred.
2. The Chief Clerk shall insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted.
3. Any corrections made by the clerk under this rule shall be noted by him upon the journal.
4. The adoption of a rule requiring every bill offered in either House before being read, to be announced and bulletined by the clerk, and then referred to a committee on revision, the duty of which committee shall be to see that the bill complies with the law in regard to form and then report the bill to the House if in proper form, otherwise to return the bill to the member offering the same.

FINDINGS.

Your committee submit the following findings as the result of their investigation:

1. That the maintenance of the State Printing Office is preferable to letting the work out by contract.
2. That the charges for the work have been gradually reduced.
3. That the best results can only be obtained by the installation of adequate modern machinery.
4. That the four linotype machines now owned by the State have not sufficient capacity to care for all of the legislative work, and that additional machines should be obtained sufficient to handle all of that class of work.
5. That competent compositors are not always available, but that operators for the linotype machine can ordinarily be obtained without difficulty.
6. That rumors of corruption, inattention to business and general inefficiency are untrue.
7. That a closer estimate of the cost of furnishing schoolbooks should be made.
8. That the selling price of most of the schoolbooks could be reduced.
9. That the plan of allowing to each department a specific sum for printing has been found to be productive of good results.
10. That the minimum wages paid to compositors and pressmen have been increased throughout the State, within the past two years. The establishment of the eight-hour day has also materially increased the cost of work.

RECOMMENDATIONS.

The committee would recommend:

1. That the system of making appropriations of fixed amounts to departments for printing should be continued.
2. That the price at which schoolbooks are sold should be adjusted.
3. That additional machinery including linotypes should be purchased for the State Printing Office.
4. That no sales of antiquated or unused machinery should be made unless previous public notice be given by advertisement for a reasonable period.

5. That the Legislature provide by the appointment of appropriate committees and a change of its rules for a system of revision of bills prior to their being printed. This, we believe, would result in a great saving to the State.

6. That a modern system of accounting and bookkeeping be installed in the State Printing Office.

A WORD IN CONCLUSION.

In justice to Mr. Jury, the one member of the committee who does not sign this report, and to the other members, it should be stated that Mr. Jury, as a member of the committee, took a very active part in procuring evidence, particularly such as would be unfavorable to Mr. Shannon. Mr. Jury had every opportunity at hand to substantiate these charges, every clue given was investigated, every thread of evidence followed up to its source, every witness suggested by him or others subpoenaed and examined, but the result was an utter failure to prove any of the charges.

The records of the committee show that Mr. Jury was present when a motion was made to close the hearing, that he participated in the discussion, fully assenting to that plan, and voted in favor of the motion; that upon his motion a subcommittee was appointed to prepare the report and submit the same to the committee, he then stating that he would approve and sign the report to be so prepared. Subsequently he stated to the members of the committee that he would not join in the report and expressly refused to sign the same, declaring that he would prepare and submit a minority report.

A copy of the testimony taken accompanies this report.

Respectfully submitted.

MIGUEL ESTUDILLO (Chairman),
N. W. THOMPSON,
GEO. W. ROOT,
SAMUEL H. BECKETT,
Members of Committee.

Report ordered printed in the Journal.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Estudillo: Senate Bill No. 230—An Act regulating public bakeries, and providing for a State inspector of the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wolfe: Senate Bill No. 231—An Act to amend sections ten, eleven, twelve, thirteen and fourteen of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14 and 15 of an Act amendatory of the same, approved March 22, 1905."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 232—An Act to repeal section six hundred and forty-four of the Penal Code, relating to enticing seamen to desert their vessels.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity,

or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco and for laying a concrete sidewalk along the property of said school.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 236—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 237—An Act providing for the levy of a special tax for school purposes in incorporated cities and towns; and abolishing the holding of special elections therein as provided for in sections eighteen hundred and thirty to eighteen hundred and thirty-six inclusive of the Political Code; providing for the collection of said tax, and adding certain sections to said Political Code to be known as sections eighteen hundred and fifty-three, eighteen hundred and fifty-four, and eighteen hundred and fifty-five, relating to the revenues necessary to maintain grammar, primary and kindergarten schools in incorporated cities.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 238.—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 240—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article XIII thereof, relative to taxation authorizing the Legislature to exempt from assessment and taxation for a period of years new forest plantations.

Constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Curtin: Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch and Stockton Creek, to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 243—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month, to be paid into the "Law Library Fund" designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 244—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipment of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator McCartney: Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Savage: Senate Bill No. 246—An Act to amend an Act entitled, "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 5½, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Burnett: Senate Bill No. 247—An Act to amend Chapter II, Title IV, of Part III, of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 248—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197b, and providing for advising the voter of the experience of judicial candidates by designating as such on the ballot incumbents who are candidates for reelection.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Sec-

tion 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Hare: Senate Bill No. 250—An Act providing for a standard system of weights and measures.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 251—An Act authorizing and requiring boards of supervisors, common councils or other legislative bodies of any county, city and county, city or town to annually fix the rates to be charged and collected by persons, corporations or associations operating telephone companies or engaged in supplying telephone service to the public.

Bill read first time, and referred to Committee on Corporations.

By Senator Roseberry: Senate Bill No. 252—An Act to amend section six hundred and twenty-eight of the Penal Code, relating to crawfish, shrimps, crab, sturgeon and abalone.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 253—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3rd day of December, 1907.

Concurrent resolution referred to Committee on Municipal Corporations.

By Senator Campbell: Senate Bill No. 254—An Act making an appropriation for the construction and furnishing of dormitories and a dining hall at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 255—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 256—An Act making an appropriation for the construction of barns at the California Polytechnic School, and for the purchase of farm equipment for the use of said school.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Cartwright: Senate Bill No. 257—An Act establishing a State Normal School and Agricultural Institute at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Bill read first time, and referred to Committee on Education.

By Senator Willis: Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the

recording of certain instruments and certificates of acknowledgment, the notice such recording shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 260—An Act to amend the Penal Code by adding a new chapter to Title IX of Part I thereof; to preserve one day in the week as a day of rest, and to promote health, morals and the public welfare.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Anthony: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read first time, and referred to Committee on Finance.

RECESS.

At eleven o'clock and ten minutes A. M., on motion of Senator Wright, the President declared the Senate at recess until twelve o'clock M.

RECONVENED.

At twelve o'clock M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTION.

At twelve o'clock M. the following resolution was offered by Senator Bates:

WHEREAS, The term of Hon. George C. Perkins, United States Senator in Congress from the State of California elected January 13, 1903, will expire on the 4th day of March, 1909; and

WHEREAS, His successor, whose term shall commence on the 4th day of March, A. D. 1909, must now be chosen, in the manner required by law; therefore, be it

Resolved, That the Senate do now proceed to nominate, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4, 1909, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, 1873," approved January 22, 1874.

Resolution read and adopted.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall, openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock *m.* of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock *m.* of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1909, to succeed the Hon. George C. Perkins, whose term of office will expire on the date already mentioned.

Hon. George C. Perkins, of Alameda County, was placed in nomination by Senator Stetson.

Senator McCartney seconded the nomination of Hon. George C. Perkins.

Senator Willis seconded the nomination of Hon. George C. Perkins.

Senator Anthony seconded the nomination of Hon. George C. Perkins.

Senator Boynton seconded the nomination of Hon. George C. Perkins.

Senator Hartman seconded the nomination of Hon. George C. Perkins.

Hon. J. O. Davis of Hollister, was placed in nomination by Senator Cartwright.

Senator Sanford seconded the nomination of Hon. J. O. Davis.

Hon. Harry P. Flannery, of San Francisco, was placed in nomination by Senator Hare.

STATEMENT BY SENATOR CAMINETTI.

Senator Caminetti addressed the Senate as follows:

MR. PRESIDENT: During the campaign of 1906, in the Tenth Senatorial District, resulting in my election as Senator, I made the question of the "The election of United States Senators by direct vote of the people" one of the leading issues upon which I asked the suffrages of the people. I then pledged myself in all my speeches and in the press, to endeavor to secure the passage of a law by the Legislature in case of my election having that object in view, and in case of failure in the effort I would nevertheless follow that principle and vote for the choice of a majority of the qualified electors of that district in the selection of a Senator during my term of office.

The last session of the Legislature failed to enact the necessary legislation on the subject but the people of my district have nevertheless plainly indicated to me that Hon. George C. Perkins was at the last election, and now is, their choice for the United States Senatorship.

Under these circumstances I feel in honor bound by my pledges to the people of the Tenth Senatorial District, to record the choice of a majority of the qualified electors thereof for Hon. George C. Perkins for United States Senator, hoping in so doing that it will never again be necessary for a member of the Legislature to vote the choice of the people of his district in this, or any other, indirect way, but that this Legislature will rise superior to partisanship and give to the people hereafter an opportunity, under suitable laws, to vote directly for candidates for that office. Should this Legislature fail in this high duty to the public, I trust that the people, in whom all power resides, will hereafter take up this matter in the way the people of the Tenth Senatorial District did two years ago, and thus be able in all legislative districts of the State to record their choice for the exalted office of United States Senator.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows:

For George C. Perkins—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cutton, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

For J. O. Davis—Senators Campbell, Cartwright, Curtin, Holohan, Miller, and Sanford—6.

For Harry P. Flannery—Senator Hare—1.

For William H. Langdon—Senator Kennedy—1.

Whole number of votes cast.....	40
Necessary to a choice.....	21
George C. Perkins received.....	32 votes.
J. O. Davis received.....	6 votes.
Harry P. Flannery received.....	1 vote.
William H. Langdon received.....	1 vote.

The President announced the result, and declared the Hon. George C. Perkins the choice of the Senate for United States Senator.

RESOLUTION.

The following resolution was offered :

By Senator Leavitt:

Resolved. That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet the Assembly in the Assembly Chamber to-morrow, Wednesday, January 13, 1909, at twelve o'clock meridian, in Joint Assembly for the purpose of electing or declaring the election of a United States Senator pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

Resolution read, and adopted.

ANNOUNCEMENT BY THE PRESIDENT.

The President announced the receipt of the documents in the contest of V. P. Pumpelly for the seat of Senator John P. Hare of the Twenty-third Senatorial District.

Documents referred to the Committee on Elections and Election Laws.

ADJOURNMENT.

At one o'clock and fifty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 13, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 12, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 171 ordered to enrollment.

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, and requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the

Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 13, 1909, at twelve o'clock noon, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

CLIO LLOYD, Chief Clerk.
By L. B. MALLORY, Assistant Clerk.

RESOLUTIONS.

The following resolutions were offered:

By Senator McCartney:

Resolved, That the name of A. McCaldin, as Porter, be stricken from the roll of attachés of the Senate, and that of R. H. Young be substituted in place thereof.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote

Ayes—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—34.
Noes—None.

Whereupon the President ordered the substitution made, and declared the above-named person had been elected.

By Senator Savage:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to purchase for the use of the Committee on Municipal Corporations seven copies of Finlayson's Street Law, the cost of the same to be paid out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator McCartney:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate forty-three copies of Kerr's Annotated Codes and Henning's General Laws, in lieu of the Deering California Codes, heretofore ordered, the same to be paid out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses

REPORT OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 13, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled 'An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend section one of an Act approved March 20, nineteen hundred and five, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, eighteen hundred and eighty three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars

per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home"—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Finance Committee.

Also: Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

PRICE, Chairman.

Senate Bills Nos. 25 and 8 referred to Committee on Finance.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 13, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the following named persons be allowed the sums set opposite their respective names for services rendered the Senate prior to its organization, the same being payable out of the contingent fund:

J. L. Martin, 5 days at \$6.00	\$30 00
J. G. McCall, 4 days at \$5.00	20 00
H. P. Travers, 4 days at \$5.00	20 00
W. Price, 2 days at \$5.00	10 00
W. R. Porter, 2 days at \$6.00	12 00
Samuel Watcholder, 2 days at \$5.00	10 00
Lewis A. Hilborn, 15 days at \$8.00	120 00
G. Ray Horton, 10 days at \$6.00	60 00
W. Straif, 6 days at \$2.50	15 00

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Curten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Kennedy: Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawn-brokers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts,

and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provision of said Act.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Rush: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Stetson: Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Miller: Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or

construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

By Senator Walker: Senate Bill No. 274—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor," approved February 13, 1903.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Birdsall: Senate Constitutional Amendment No. 21—Relative to elections to change the seat of government.

Constitutional amendment referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 275—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 276—An Act to add a new section to the Political Code, relating to the submission of amendments to the constitution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 277—An Act to amend Section 1876 of the Political Code of the State of California, referring to contract by school trustees.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Black: Senate Bill No. 279—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employees on railroads or street railways.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 280—An Act to amend section one hundred and ninety-seven of the Civil Code relating to the custody, services and earnings of minors.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 281—An Act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale, giving or delivering of intoxicating liquors to minor children, and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Bill read first time, and referred to Committee on Public Morals.

By Senator Thompson: Senate Bill No. 282—An Act to provide for the purchase of additional land at the State pathological laboratory at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 283—An Act to provide equipment for the State pathological laboratory at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Lewis: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Price: Senate Bill No. 286—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of the Petaluma River, and to dredge the bar formed by said river where it empties into the Bay of San Francisco.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 287—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 290—An Act to amend section six hundred and twenty-seven of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 291—An Act granting to the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pier head line of San Diego harbor, as said lands are now established or as they may be hereafter established.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 292—An Act to amend section sixteen hundred sixty-five of the Political Code, relative to the course of study in public schools in the State of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 293—An Act to amend section three hundred and eight of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation company, their offices and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads, by compelling common carriers by railroad to properly man their trains.

Bill read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Bill read first time, and referred to Committee on Judiciary.

ANNOUNCEMENTS.

The President of the Senate presented the following communications relative to the accrediting of newspaper correspondents, which were read and ordered printed in the Journal:

LOS ANGELES, CAL., January 11, 1909.

HON. WARREN R. PORTER, *Lieutenant-Governor, Sacramento, Cal.*

B. Frank Greaves is the accredited representative of the Times at the Legislature, and any courtesies shown him in that capacity will be fully appreciated.

H. E. ANDREWS,
Managing Editor.

SAN FRANCISCO, January 11, 1909.

Lieutenant-Governor W. R. PORTER, Sacramento, Cal.

Messrs. Harvey Wickham and Blaine Phillips are the accredited representatives of the Chronicle at Sacramento during legislative session.

JOHN P. YOUNG,
Managing Editor.

SACRAMENTO, January 11, 1909.

HON. LEWIS A. HILBORN, *Secretary of the Senate, City.*

DEAR SIR: This is to certify that Franklin Hichborn, John Lloyd, and Edwin Norman will be the legislative correspondents of The Sacramento Bee during the present session.

Respectfully,

CHAS. K. McCLATCHY, Editor.

SACRAMENTO, January 11, 1909.

This certifies that Robert E. Jones is the accredited representative of the Sacramento Union in the Senate of the State Legislature.

EDWARD INSLEY, News Editor.

SACRAMENTO, January 12, 1909.

HON. LEWIS A. HILBORN, *Secretary of Senate, Capitol.*

DEAR SIR: I write this to inform you that the following are members of the staff of the San Francisco Examiner in this city for service in the Legislature: Al Murphy, Edward H. Hamilton, Louis Levy, W. T. Haley, and myself. Wm. Parker is here representing the Los Angeles Examiner. Oscar Chopin is here as artist for the San

Francisco Examiner. Any consideration that may be shown these gentlemen by the officers of the Senate will be highly appreciated.

Yours very respectfully,

FREDERICK S. MYRTLE,
In charge Examiner Bureau.

SAN FRANCISCO, CAL., January 12, 1909.

President of Senate, Sacramento, Cal.

John Taylor Waldorf is the accredited representative of the "Bulletin" in Senate.

FREMONT OLDER,
Managing Editor.

NEW YORK CITY, December 28, 1908.

To whom it may concern:

This letter is to signify that Mr. Stuart G. Masters is in charge of the United Press Bureau at the Legislature at Sacramento, California, for the session of 1909, and that he and his assistant, Mr. Kenneth C. Adams, are the accredited representatives of the United Press Associations.

Respectfully,

UNITED PRESS ASSOCIATIONS,
Per W. W. HAWKINS, Pacific Coast Manager.

SAN FRANCISCO, CAL., January 11, 1909.

Lieutenant-Governor WARREN R. PORTER,

President of Senate, Sacramento, Cal.

DEAR SIR: This is to certify that Messrs. G. A. Van Smith, E. F. O'Day, C. A. Farnsworth and J. F. Neylan are accredited representatives of The Call, assigned to the duty of reporting all matters pertaining to the current session of the State Legislature, including all proceedings of the Senate, and all matters pertaining to that body.

Yours very truly,

E. S. SIMPSON,
Managing Editor.

OAKLAND, CAL., January 12, 1909.

COLONEL EDWARD O'BRIEN, *Tribune Correspondent, Sacramento, California.*

You are authorized to be our correspondent.

JOHN F. CONNERS,
Managing Editor.

OAKLAND, CAL., January 11, 1909.

To the President and Members of the Senate of the State of California:

GENTLEMEN: This is to certify that Mr. D. H. Bradley is a regularly accredited representative of the Oakland Enquirer, as legislative correspondent.

G. B. DANIELS,
President and General Manager Oakland Enquirer Publishing Co.

ANNOUNCEMENT.

The President of the Senate also announced that during the interim between the thirty-seventh and thirty-eighth sessions of the Legislature he had appointed a committee to have charge of the furnishings for the legislative chambers and committee rooms, consisting of Senators Caminetti, Black, Kennedy, Weed, and Willis.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Wright, the President declared the Senate at recess until eleven o'clock and fifty-five minutes A. M.

RECONVENED.

At eleven o'clock and fifty-five minutes A. M., the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 13, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 6 ordered on file for second reading.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bill No. 6 be made a special order for Thursday, January 14, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. George C. Perkins, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 13, 1909. }

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and the Assembly then met in joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Warren R. Porter, President of the Senate, in conjunction with the Hon. P. A. Stanton, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to read the roll of Assemblymen.

The roll was called, and the following members answered to their names:

Messrs. Barndollar, Baxter, Beardslee, Beatty, Beban, Black, Bohnett, Butler, Callan, Cattell, Coghlan, Cogswell, Collier, Collum, Costar, Cronin, Cullen, Dean, Drew, Feeley, Flavell, Fleisher, Flint, Gerdes, Gibbons, Gillis, Greer, Griffiths, Hammon, Hanlon, Hans, Hawk, Hayes, Hewitt, Hinkle, Holmquist, Hopkins, Irwin, Johnson of Sacramento, Johnson of San Diego, Johnson of Placer, Johnston of Contra Costa, Juilliard, Kehoe, Leeds, Lightner, Macauley, Maher, McClellan, Melrose, Mendenhall, Moore, Mott, Nelson, Odom, Otis, O'Neill, Perine, Polsley, Preston, Pugh, Pulcifer, Rech, Ruthenford, Sackett, Schmitt, Silver, Stuckenbruck, Telfer, Transue, Wagner, Webber, Wheelan, Whitney, Wilson, Young, and Mr. Speaker—77.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. George C. Perkins, as such, was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by *viva voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House, shall be entered upon the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and a person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancies shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President of the Senate, then read from the Journal of the Senate of Tuesday, January 12, 1909 (which was the second Tuesday after the organization of the

thirty-eighth session of the Legislature of California) so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. George C. Perkins, a United States Senator from California, whose term of office is about to expire, whereby it appeared that forty senators were present, each voting for his choice, and that

Hon. George C. Perkins received	32 votes.
Hon. J. O. Davis received	6 votes.
Hon. Harry P. Flannery received	1 vote.
Hon. William H. Langdon received	1 vote.

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. George C. Perkins had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1909.

The Chief Clerk of the Assembly, by the direction of the Speaker, then read from the Journal of the Assembly of Tuesday, January 12, 1909 (which was the second Tuesday after the organization of the thirty-eighth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. George C. Perkins, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-eight members of the Assembly were present, and voted each for his choice, and that

Hon. George C. Perkins received	56 votes.
Hon. Harry P. Flannery received	6 votes.
Hon. J. O. Davis received	13 votes.
Hon. Chester H. Rowell received	1 vote.
Hon. Thomas R. Bard received	1 vote.
Hon. Theodore Bell received	1 vote.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that the Hon. George C. Perkins had received a majority of the votes of the Assembly, and declared him the choice of the Assembly for United States Senator, to fill the term commencing March 4, 1909.

The President of the Senate, Hon. Warren R. Porter, then declared as follows: "It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. George C. Perkins has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. George C. Perkins duly elected United States Senator in the Congress of the United States from the State of California for the term commencing March 4, 1909."

ANNOUNCEMENT.

The President of the Senate announced the receipt of a telegraphic communication from the Hon. George C. Perkins, which was read and ordered printed in the Journal.

WASHINGTON, D. C., January 13, 1909.

HON. WARREN R. PORTER, *President of the Senate, and* HON. P. A. STANTON, *Speaker of the Assembly, California State Legislature, Sacramento, Cal.:*

Permit me to make grateful acknowledgment to you, and through you to the members of the Legislature and the people of California, for the great honor conferred upon me in electing me for the fourth time one of California's representatives in the Senate of the United States. My record in the past I offer as the best guarantee I can give in the future. I will strive to the utmost of my ability to faithfully and honestly represent all of the people and to uphold the honor and strive for the welfare of our country and commonwealth. The people have only to make known to me through the Legis-

lature, county, city or commercial organizations their wishes and I, as their public servant and representative, will endeavor to obey their commands. The highest ambition and prayer of my life is to so perform my duties in Congress that when I retire to private life at the expiration of the term for which I have been elected, I may have and retain the good will of the people of the Golden State, who have so often honored me with their confidence.

(Signed) GEORGE C. PERKINS.

RESOLUTION.

The following resolution was offered:

By Senator Bates:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly, be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California, a copy of the proceedings of this Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1909, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and the Secretary of the Senate and the Speaker and the Chief Clerk of the Assembly.

Resolution read, and adopted.

On request of Senator Caminetti the following statement was ordered printed in the Journal of the Joint Assembly:

STATEMENT BY SENATOR CAMINETTI.

MR. PRESIDENT: During the campaign of 1906, in the Tenth Senatorial District, resulting in my election as Senator, I made the question of "The election of United States Senators by direct vote of the people" one of the leading issues upon which I asked the suffrages of the people. I then pledged myself in all my speeches and in the press, to endeavor to secure the passage of a law by the Legislature in case of my election having that object in view, and in case of failure in the effort I would nevertheless follow that principle and vote for the choice of a majority of the qualified electors of that district in the selection of a Senator during my term of office.

The last session of the Legislature failed to enact the necessary legislation on the subject, but the people of my district have nevertheless plainly indicated to me that Hon. George C. Perkins was at the last election, and now is, their choice for the United States Senatorship.

Under these circumstances I feel in honor bound by my pledges to the people of the Tenth Senatorial District, to record the choice of a majority of the qualified electors thereof for Hon. George C. Perkins for United States Senator, hoping in so doing that it will never again be necessary for a member of the Legislature to vote the choice of the people of his district in this, or any other, indirect way, but that this Legislature will rise superior to partisanship and give to the people hereafter an opportunity, under suitable laws to vote directly for candidates for that office. Should this Legislature fail in this high duty to the public, I trust that the people, in whom all power resides, will hereafter take up this matter in the way the people of the Tenth Senatorial District did two years ago, and thus be able in all legislative districts of the State to record their choice for the exalted office of United States Senator.

A. CAMINETTI.

READING AND APPROVAL OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly, and, on motion of Senator Leavitt, the same were approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes p. m. the President of the Senate declared the Joint Assembly adjourned *sine die*.

WARREN R. PORTER,
President of the Senate.

LEWIS A. HILBORN,
Secretary of the Senate.

P. A. STANTON,
Speaker of the Assembly.

CLIO LLOYD,
Chief Clerk of the Assembly.

W. H. WRIGHT,
Minute Clerk of the Senate.

H. A. HARPER,
Minute Clerk of the Assembly.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes p. m., the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate in the chair.

ADJOURNMENT.

At twelve o'clock and forty minutes p. m., on motion of Senator Wright, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 14, 1909.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 13, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

APPROVAL OF JOURNAL.

The Journal of Friday, January 8, 1909, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Martinelli was, on motion of Senator Sanford, granted leave of absence for this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the report of the Committee on Rules, the same was taken up.

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Tuesday, January 26, 1909, a recess shall be taken at 12:30 P. M. to 2 P. M. unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Order of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to Chair.*

The President shall have the right to name any Senator to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment to Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Elections and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, fifteen members.
14. Fruit and Vine Interests, nine members.
15. Fish and Game, nine members.
16. Hospitals and Asylums, eleven members.
17. Irrigation, nine members.
18. Judiciary, nineteen members.
19. Labor, Capital, and Immigration, nine members.
20. Military Affairs, five members.
21. Mines and Mining, seven members.
22. Municipal Corporations, seven members.
23. Printing, three members.
24. Prisons and Reformatories, nine members.
25. Public Buildings and Grounds, nine members.
26. Public Health and Quarantine, five members.
27. Public Morals, five members.
28. Roads and Highways, nine members.
29. Rules, five members.
30. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign, reassign or transfer all attachés and employés to their respective duties.

11. *No Records or Papers to Be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must Be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Lobbying.*

No person engaged in presenting to the Senate or its committees any business, or claim for legislation, shall be permitted to engage in such business during sessions of the Senate, or be permitted on the floor of the Senate during its sessions. And any person transgressing this rule shall be removed from the floor of the Senate and be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tem. are charged with the enforcement of this rule, and this rule cannot be suspended except by a two-thirds vote of the entire Senate.

16. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

17. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bills, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

18. *Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

19. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

20. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

21. *Printing.*

Seven hundred and fifty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter,

and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

22. Number of Copies to be Printed.

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

23. Number of Copies to be Printed of Journal.

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

24. What Shall be Printed in the Journal.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

25. Petitions.

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

26. When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.

The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

27. Printing for the Senate.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

28. Introduction and Reading of Bills.

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. *Provided*, that no bill shall be introduced in the Senate forty days after the commencement of the session without the consent of three fourths of the members thereof. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be treated the same as bills, provided they shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

29. Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

30. Engrossed Bills to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

31. Assembly Bills to be Read First Time.

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

32. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the Senate shall be referred to the Committee on Finance before being read the second time.

33. *Committee Amendments—How Made.*

When amendments to a bill are offered by a committee, the clerk of such committee shall prepare three copies of such amendment, one to go with the bill to the Printer, one to the Minute Clerk, and one to the Journal Clerk.

34. *Committees—When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

35. *Standing Committee, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

36. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two thirds vote, and no expenses or mileage of attachés shall be allowed.

37. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

38. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

39. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

40. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

41. *Bills Passed on File Placed at Foot of File.*

When bills have been passed on file for the second time they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

42. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

43. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

44. *Order of Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

45. *Motions Not to Be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President, or any Senator, and read by the Secretary, before the same shall be debated.

46. Reading of a Paper, if Objected to, Determined Without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

47. Amendments and Substitutes—When in Order.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

48. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

49. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

50. Short of Final Question, Two Thirds Vote Not Requisite on Proposition to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

51. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session. There shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration.

52. Reconsideration of Bills Sent to Assembly.

When a bill, resolution, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

53. Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

54. Motion to Reconsider May Be Debated.

A Senator, after a notice to reconsider is given, as provided in Rule 51, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

55. Amendments to Original Question.

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

56. Final Question on Second Reading of Bill—No Amendment on Third Reading; but May Commit.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

57. Special Orders.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

58. Form of Previous Question—Call of Senate.

The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

59. Ayes and Noes: Members Must Answer—No Vote After Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

60. Rules in Senate and Committee of the Whole.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

61. Suspending and Changing Rules.

No standing rules or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 29 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

62. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

63. Messengers, When Introduced.

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

64. Smoking.

No smoking shall be allowed within the Senate Chamber.

65. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practices as laid down in Cushing's Law and Practice of Legislative Assemblies.

Report and proposed standing rules of the Senate were read.

AMENDMENTS.

By Senator Leavitt :

That in Rule 54, after the word "Rule," the figures "49" be changed to "51," and that in Rule 61, after the word "Rule," in the fourth line, the figures "27" be changed to "29."

Amendments adopted.

The question being on the adoption of the report and rules as amended.

The roll was called, and the report and rules adopted by the following vote:

AYES—Senators, Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

CONSIDERATION OF SPECIAL ORDERS—(CONTINUED).

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 6, the same was taken up.

CASE OF URGENCY.

The following resolution was offered:

By Senator Bills:

Resolved, That Senate Bill No. 6 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cutten, Estudillo, Hartman, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Senator Price:

Resolved, That the Sergeant-at-Arms of the Senate, or the Bookkeeper to the Sergeant-at-Arms be, and he is hereby, authorized and empowered to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Senate.

Resolution read, and adopted.

By Senator Birdsall:

Resolved, That the name of W. M. Cleveland, as Assistant Engrossing and Enrolling Clerk, be stricken from the roll of attachés of the Senate, and that of R. J. Frank be substituted in place thereof.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan,

Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

Whereupon the President of the Senate ordered the substitution made, and declared the above-named person had been elected.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 13, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature and report that the same has been correctly enrolled, and presented the same to the Governor on this thirteenth day of January, 1909, at five o'clock and twenty minutes P.M.

STROBRIDGE, Chairman.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO January 14, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to purchase for the use of the Committee on Municipal Corporations seven copies of Finlayson's Street Law, the cost of the same to be paid out of the contingent fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate forty-three copies of Kerr's Annotated Codes and Henning's General Laws, in lieu of the Deering California Codes, heretofore ordered, the same to be paid out of the contingent funds of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

MOTIONS.

Senator Boynton moved to amend the resolution and report:

By striking out the word "forty-three," and inserting in lieu thereof the word "twenty."

Motion duly seconded.

Senator Wolfe moved that the report and resolutions be re-referred to the Committee on Contingent Expenses.

Motion duly seconded.

Motion carried.

Report and resolutions ordered re-referred to the Committee on Contingent Expenses.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 14, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday and providing for a half-day session of the public schools for that day—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bill No. 41 ordered on file for second reading.

CASE OF URGENCY.

The following resolution was offered:

By Senator Savage:

Resolved, That Senate Bill No. 41 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday and providing for a half-day session of the public schools for that day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 41 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Leavitt, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

Noes—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 14, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 7—An Act to provide for the survey, location and construction of a state highway from Sattley, Sierra County, to Marysville, Yuba County, and to make an appropriation therefor.

Also: Senate Bill No. 61—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Also: Senate Bill No. 124—An Act to provide a state highway from Meyer's Station to Tahoe City, and making an appropriation therefor.

Also: Senate Bill No. 215—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bills Nos. 7, 61, 128, and 215 ordered referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Stetson: Senate Bill No. 297—An Act to amend section fourteen hundred and twenty-five of the Political Code, relating to the control of the University of California by Regents.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 298—An Act to amend section three hundred and fifty-three of the Political Code, relating to ex officio Regents of the University of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 299—An Act to amend section fourteen hundred and twenty-seven of the Political Code, relating to the appointment of ex officio Regents of the University of California.

Bill read first time, and referred to Committee on Education.

By Senator Leavitt: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 315—An Act to amend Section 4013 of the Political Code of the State of California, relating to county officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 318—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 319—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Martinelli: Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification; providing for the appointment of a director of said bureau, defining his duties, qualifications and powers; providing for the appointment of

a clerk of said bureau, and fixing his qualifications; fixing the compensations of said director and clerk, and providing for the manner for paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Caminetti: Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Welch: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 325—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 326—An Act to repeal Section 625 of the Code of Civil Procedure of the State of California, relating to special issues.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 327—An Act to provide compensation for injuries to employees.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Bills: Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Burnett: Senate Bill No. 329—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section No. 67a, relating to extra sessions of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof, and adding a new section thereto to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 331—An Act to amend an Act entitled "An Act to regulate and license the hunting of game, birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 332—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to west end of Donner Lake, in Nevada County.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Willis: Senate Bill No. 333—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Price: Senate Bill No. 335—An Act to secure uniform public accounting, and making an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 336—An Act to amend section twelve hundred and sixty-five of An Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 337—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 338—An Act to amend Section 44 of the Code of Civil Procedure of the State of California, relating to the apportionment of business of the Supreme Court and District Court of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 339—An Act to amend Section 76 of the Code of Civil Procedure of the State of California, relating to the original jurisdiction of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 340—An Act to amend Section 625 of the Code of Civil Procedure of the State of California, relating to the general and special verdicts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways:

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Joint Resolution No. 6—Relative to illegal extermination of Alaskan fur seals, menace of Japanese immigration, new Pacific frontier of the United States, and stationing battle fleet on the Pacific.

Joint resolution referred to Committee on Federal Relations.

By Senator Thompson: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 344—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Bill read first time, and referred to Committee on County Government.

By Senator Boynton: Senate Bill No 345—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and make an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General, A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Lewis: Senate Bill No. 348—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto to be numbered Section 25 of Article I thereof, relating to the right of people to fish.

Constitutional amendment referred to Committee on Fish and Game.

ANNOUNCEMENTS.

The President of the Senate presented the following communications relative to the accrediting of newspaper correspondents, which were read and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, January 12, 1909.

Lieutenant-Governor W. R. PORTER, Sacramento, California:

This is to certify that John F. Blunt and Clyde A. Lowry are the accredited representatives of The Pacific Press in the Senate and the Assembly of the State Legislature.

THE PACIFIC PRESS,

By J. O. CORLISS,

Secretary and Field Director of the Religious Liberty Bureau.

LOS ANGELES, CALIFORNIA, January 12, 1909.

HON. WARREN R. PORTER, *Lieutenant-Governor of California, Sacramento, California.*

DEAR SIR: E. A. Dickson is hereby appointed special correspondent for The Express, and will represent this paper at Sacramento during the session of the Legislature for 1909.

Yours truly,

H. W. BRUNDIGE,
Managing Editor.

SACRAMENTO, January 13, 1909.

HON. WARREN R. PORTER, *President of the Senate.*

DEAR SIR: Mr. George Baker Anderson is authorized to act as a representative of the Fresno Republican during this session.

Yours,

CHESTER H. ROWELL, Editor.

SACRAMENTO, January 13, 1909.

HON WARREN R. PORTER, *President of the Senate.*

DEAR SIR: Mr. B. R. Walker is authorized to represent the Fresno Republican as its regular correspondent, during this session of the Legislature. I shall also be here during a part of the session, and would like to have the privilege of the floor for newspaper work, during the session.

Yours,

CHESTER H. ROWELL,
Editor and Manager.

ADJOURNMENT.

At twelve o'clock M., on motion of Senator Wright, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 15, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Senator E. I. Wolfe President pro tem. of the Senate in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holoban, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 14, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVE OF ABSENCE.

Senator Black was, on motion of Senator Walker, granted leave of absence until Monday, January 18, 1909.

PETITION.

The following petition was presented by Senator Price, and ordered printed in the Journal:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

J. H. PEARSE,
R. C. MOODEY,
W. PILLAR,
J. H. BONATE
And 67 others.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, January 14, 1909.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 12, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-seventh session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

June 29, 1907, Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, term expired.

October 1, 1907, C. H. Garoutte, of San Francisco, a member of the Board of Bank Commissioners, vice C. H. Dunsmoor, term expired.

March 2, 1908, William S. Vawter, of Santa Monica, a member of the Board of Bank Commissioners, vice Herman Silver, resigned.

July 13, 1908, William C. Watson, of San Francisco, a member of the Board of Bank Commissioners, vice John C. Lynch, resigned.

March 18, 1907, Charles W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice self, term expired.

April 24, 1907, Warren R. Porter, of Watsonville, a member of the State Board of Prison Directors, vice C. M. Belshaw, resigned.

July 1, 1907, Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice C. N. Felton, resigned.

February 11, 1908, Charles Sonntag, of San Francisco, a member of the State Board of Prison Directors, vice Don Ray, term expired.

May 11, 1907, Nathaniel Ellery, of Eureka, State Engineer.

June 5, 1907, Alex Gordon, of Sacramento, a member of Consulting River Board, Department of State Engineering.

June 5, 1907, George W. Tatterson, of Stockton, a member of the Consulting River Board, Department of State Engineering.

June 5, 1907, M. J. Boggs, of Colusa, a member of the Consulting River Board, Department of State Engineering.

June 18, 1907, W. J. Smith, of Vorden, a member of the Consulting River Board, Department of State Engineering.

June 18, 1907, Edward S. Brown, of Sacramento, a member of the Consulting River Board, Department of State Engineering.

May 14, 1907, George Stone, of San Francisco, a member of the Board of Fish Commissioners, vice W. W. Van Arsdale, resigned.

May 14, 1907, F. W. Van Sicken, of San Francisco, a member of the Board of Fish Commissioners, vice W. E. Gerber, resigned.

June 17, 1908, Michael J. Connell, of Los Angeles, a member of the Board of Fish Commissioners, vice John Bermingham, Jr., term expired.

April 27, 1908, Thomas Wallace, of San Francisco, Port Warden for the Bay of San Francisco, vice H. A. Thompson, term expired.

April 27, 1908, John Leale, of San Francisco, Port Warden for the Bay of San Francisco, vice R. E. Nickel, term expired.

August 4, 1908, W. H. Pratt, of San Francisco, Port Warden for the Bay of San Francisco, vice Henry Piltz, term expired.

June 25, 1907, A. J. Foster, of San Diego, Port Warden for San Diego, vice W. R. Farnsworth, term expired.

April 23, 1907, E. M. Freeman, of Oakland, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia.

April 23, 1907, H. Z. Howard, of San Francisco, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia.

April 23, 1907, M. C. Erskine, Pilot Commissioner for the Port of San Francisco Mare Island, and Benicia.

July 23, 1907, Frank Abrahams, of San Diego, Pilot Commissioner for the Port of San Diego.

April 3, 1907, Charles F. Crothers, of San Jose, a trustee of the State Normal School at San Jose, vice J. B. Sanford, name withdrawn.

December 4, 1907, George H. Mastick, San Francisco, a trustee of the State Normal School, at San Jose, vice self, term expired.

December 4, 1907, H. D. Tuttle, of San Jose, trustee of the State Normal School at San Jose, vice F. H. Babb, term expired.

July 1, 1907, L. S. Thorpe, Los Angeles, a trustee of the State Normal School at Los Angeles, vice self, term expired.

July 1, 1907, George I. Cochran, a trustee of the State Normal School at Los Angeles, vice self, term expired.

July 1, 1907, F. C. Lusk, of Chico, a trustee of the State Normal School at Chico, vice self, term expired.

July 1, 1907, E. A. Warren, a trustee of the State Normal School at Chico, vice self, term expired.

July 1, 1907, J. W. Stearns, of San Diego, a trustee of the State Normal School at San Diego, vice R. M. Powers, term expired.

July 1, 1907, John S. Ackerman, of San Diego, a trustee of the State Normal School at San Diego, vice George W. Marston, term expired.

July 30, 1908, Isidore B. Dockweiler, of San Diego, a trustee of the State Normal School at San Diego, vice self, term expired.

February 11, 1908, Walter J. Mathews, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice F. M. Wilson, term expired.

April 24, 1908, Frank S. Johnson, of San Rafael, a member of the Board of Regents of the University of California, vice J. A. Waymire, term expired.

April 24, 1908, W. H. Crocker, of San Francisco, a member of the Board of Regents of the University of California, vice Charles M. Ellinwood, term expired.

July 30, 1908, Walter Lindley, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice C. C. Desmond, term expired.

Respectfully,

J. N. GILLET.

Governor of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the Senate advise and consent to the several appointments therein set forth.

HURD, Chairman.

The President put the question, "Will the Senate advise and consent to the appointment of Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobridge, Walker, Weed, and Wolfe—31.

NOES—None.

Whereupon the President announced that the appointment of Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of C. H. Garoutte, of San Francisco, a member of the Board of Bank Commissioners, vice C. H. Dunsmoor, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Walker, Weed, and Wolfe—32.

NOES—None.

Whereupon the President announced that the appointment of C. H. Garoutte, of San Francisco, a member of the Board of Bank Commissioners, vice C. H. Dunsmoor, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of William S. Vawter, of Santa Monica, a member of the Board of Bank Commissioners, vice Herman Silver, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of William S. Vawter, of Santa Monica, a member of the Board of Bank Commissioners, vice Herman Silver, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of William C. Watson, of San Francisco, a member of the Board of Bank Commissioners, vice John C. Lynch, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—34.

NOES—None.

Whereupon the President announced that the appointment of William C. Watson, of San Francisco, a member of the Board of Bank Commissioners, vice John C. Lynch, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of Charles W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Warren R. Porter, of Watsonville, a member of the State Board of Prison Directors, vice C. M. Belshaw, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—35.

NOES—None.

Whereupon the President announced that the appointment of Warren R. Porter, of Watsonville, a member of the State Board of Prison Directors, vice C. M. Belshaw, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice C. N. Felton, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—33.

NOES—None.

Whereupon the President announced that the appointment of Charles E. Clinch, of Grass Valley, a member of the State Board of Prison Directors, vice C. N. Felton, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles Sonntag, of San Francisco, a member of the State Board of Prison Directors, vice Don Ray, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of Charles Sonntag, of San Francisco, a member of the State Board of Prison Directors, Vice Don Ray, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Nathaniel Ellery, of Eureka, State Engineer?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—33.

NOES—None.

Whereupon the President announced that the appointment of Nathaniel Ellery, of Eureka, State Engineer, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Alex Gordon, of Sacramento, a member of Consulting River Board, Department of State Engineering?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of Alex Gordon, of Sacramento, a member of Consulting River Board, Department of State Engineering, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George W. Tatterson, of Stockton, a member of Consulting River Board, Department of State Engineering?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of George W. Tatterson, of Stockton, a member of the Consulting River Board, Department of State Engineering, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of M. J. Boggs, of Colusa, a member of the Consulting River Board, Department of State Engineering?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of M. J. Boggs, of Colusa, a member of the Consulting River Board, Department of State Engineering, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. J. Smith, of Vorden, a member of the Consulting River Board, Department of State Engineering?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of W. J. Smith, of Vorden, a member of the Consulting River Board, Department of State Engineering, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Edward S. Brown, of Sacramento, a member of the Consulting River Board, Department of State Engineering?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Sanford, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of Edward S. Brown, of Sacramento, a member of the Consulting River Board, Department of State Engineering, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George Stone, of San Francisco, a member of the Board of Fish Commissioners, vice W. W. Van Arsdale, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reily, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of George Stone, of San Francisco, a member of the Board of Fish Commissioners, vice W. W. Van Arsdale, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. W. Van Sicklen, of San Francisco, a member of the Board of Fish Commissioners, vice W. E. Gerber, resigned?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of F. W. Van Sicklen, of San Francisco, a member of the Board of Fish Commissioners, vice W. E. Gerber resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Michael J. Connell, of Los Angeles, a member of the Board of Fish Commissioners, vice John Bermingham, Jr., term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Sanford, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of Michael J. Connell, of Los Angeles, a member of the Board of Fish Commissioners, vice John Bermingham, Jr., term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Thomas Wallace, of San Francisco, Port Warden for the Bay of San Francisco, vice H. A. Thompson, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Sanford, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of Thomas Wallace, of San Francisco, Port Warden for the Bay of San Francisco, vice H. A. Thompson, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John Leale, of San Francisco, Port Warden for the Bay of San Francisco, vice R. E. Nickel, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of John Leale, of San Francisco, Port Warden for the Bay of San Francisco, vice R. E. Nickel, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. H. Pratt, of San Francisco, Port Warden for the Bay of San Francisco, vice Henry Piltz, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinielli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of W. H. Pratt, of San Francisco, Port Warden for the Bay of San Francisco, vice Henry Piltz, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of A. J. Foster, of San Diego, Port Warden for San Diego, vice W. R. Farnsworth, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of A. J. Foster, of San Diego, Port Warden for San Diego, vice W. R. Farnsworth, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of E. M. Freeman, of Oakland, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia?"

The roll was called, with the following result:

AYES—Senators Anthony, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of E. M. Freeman, of Oakland, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of H. Z. Howard, of San Francisco, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of H. Z. Howard, of San Francisco, Pilot Commissioner, for the Port of San Francisco, Mare Island, and Benicia, had been duly confirmed.

SENATOR WILLIS IN CHAIR.

At eleven o'clock A. M., Senator Willis, of the Thirtieth District, in the chair.

The President put the question, "Will the Senate advise and consent to the appointment of M. C. Erskine, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia?"

The roll was called, with the following result:

AYES—Senators Anthony, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of M. C. Erskine, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frank Abrahams, of San Diego, Pilot Commissioner for the Port of San Diego?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of Frank Abrahams, of San Diego, Pilot Commissioner for the Port of San Diego, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles F. Crothers, of San Jose, a trustee of the State Normal School at San Jose, vice J. B. Sanford, name withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of Charles F. Crothers, of San Jose, a trustee of the State Normal School at San Jose, vice J. B. Sanford, name withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George H. Mastick, of San Francisco, a trustee of the State Normal School at San Jose, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of George H. Mastick, of San Francisco, a trustee of the State Normal School at San Jose, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of H. D. Tuttle, of San Jose, trustee of the State Normal School at San Jose, vice F. H. Babb, term expired?"

The roll was called, with the following result.

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of H. D. Tuttle, of San Jose, trustee of the State Normal School at San Jose, vice F. H. Babb, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of L. S. Thorpe, of Los Angeles, a trustee of the State Normal School at Los Angeles, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of L. S. Thorpe, of Los Angeles, a trustee of the State Normal School at Los Angeles, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George I. Cochran, a trustee of the State Normal School at Los Angeles, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of George I. Cochran, a trustee of the State Normal School at Los Angeles, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. C. Lusk, of Chico, a trustee of the State Normal School at Chico, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of F. C. Lusk, of Chico, a trustee of the State Normal School at Chico, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of E. A. Warren, a Trustee of the State Normal School at Chico, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of E. A. Warren, a trustee of the State Normal School at Chico, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of J. W. Stearns, of San Diego, a trustee of the State Normal School at San Diego, vice R. M. Powers, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of J. W. Stearns, of San Diego, a trustee of the State Normal School at San Diego, vice R. M. Powers, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John S. Ackerman, of San Diego, a trustee of the State Normal School at San Diego, vice George W. Marston, term expired?"

The roll was called, with following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Martinelli, McCartney,

Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.
NOES—None.

Whereupon the President announced that the appointment of John S. Ackerman, of San Diego, a trustee of the State Normal School at San Diego, vice George W. Marston, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Isidore B. Dockweiler, of San Diego, a trustee of the State Normal School at San Diego, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of Isidore B. Dockweiler, of San Diego, a trustee of the State Normal School at San Diego, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Walter J. Mathews, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice F. M. Wilson, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of Walter J. Mathews, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice F. M. Wilson, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frank S. Johnson, of San Rafael, a member of the Board of Regents of the University of California, vice J. A. Waymire, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of Frank S. Johnson, of San Rafael, a member of the Board of Regents of the University of California, vice J. A. Waymire, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. H. Crocker, of San Francisco, a member of the Board of Regents of the University of California, vice Charles M. Ellinwood, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of W. H. Crocker, of San Francisco, a member of the Board of Regents of the University of California, vice Charles M. Ellinwood, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Walter Lindley, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice C. C. Desmond, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Rush, Stetson, Strobbridge, Walker, Weed, Willis, and Wright—27.

NOES—None.

Whereupon the President announced that the appointment of Walter Lindley, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice C. C. Desmond, term expired, had been duly confirmed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 350—An Act to amend Section 4290 of the Political Code of the State of California, relating to salaries and fees.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 351—An Act to amend Section 3862 of the Political Code of the State of California, relating to compensation allowed for collecting certain taxes.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Miller: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of the County Board of Education.

Bill read first time, and referred to Committee on Education.

By Senator Strobbridge (by request): Senate Bill No. 355—An Act to amend Section 2641 of the Political Code of the State of California, relative to the appointment and qualification of road commissioners.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Stetson: Senate Bill No. 356—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as Section Number 1678, relating to contracts to assign future or unearned salary or wage.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 357—An Act to amend the Civil Code of the State of California by adding a new section thereto to be known as Section Number 872, relating to trusts and real property and to the right of redemption thereunder.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 358—An Act to amend Section Number 1045 of the Civil Code of the State of California, relating to the transfer of future interests.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 360—An Act to amend the Civil Code of the State of California by adding thereto a new section to be known as Section Number 1677, relating to contracts for the payment of interest.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hurd: Senate Bill No. 362—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Caminetti: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Burnett: Senate Bill No. 365—An Act to provide for the replacing of books, documents, and records when lost from or destroyed in public offices.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hare: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vender, or person offering for sale any article of hotel, boarding, or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Roseberry: Senate Bill No. 367—An Act to add a new section to the Political Code, to be known as section eighteen hundred and thirty-nine *a*, relating to school district tax.

Bill read first time, and referred to Committee on Education.

By Senator Birdsall: Senate Bill No. 368—An Act to provide for the survey, location, and construction of a state highway from the western terminus of the Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Lewis: Senate Bill No. 369—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 370—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 371—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Reily: Senate Bill No. 372—An Act relating to the liabilities of employers in and around underground mines, smelter works, concentrators, coal washers, factories, workshops, and mills.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Anthony: Senate Bill, No. 373—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters and waitresses in public eating houses, and providing a penalty for violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Boynton: Senate Bill No. 375—An Act to amend section thirteen hundred and forty-nine of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proved will may be issued.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 376—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer upon estates, and providing that a partner shall not be appointed administrator.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 377—An Act to establish the California State Reformatory, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reily: Senate Constitutional Amendment No. 23—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7, Article 9, of said Constitution, relating to text-books to be used in the public schools.

Constitutional amendment referred to Committee on Education.

By Senator Anthony: Senate Constitutional Amendment No. 24—To propose to the people of the State of California, an amendment to Article IX, Section 6, of the Constitution of the State of California, relative to mode of selecting superintendents of schools.

Constitutional amendment referred to Committee on Education.

By Senator Campbell: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Senate Bill No. 379—An Act to amend Sections 241 and 242, and to repeal Section 243, of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 380—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code, and to amend Section 903 of the same Code, all relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 381—An Act to amend Section 925 of the Penal Code relating to proceedings before the grand jury.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 382—An Act to amend Section 226 of the Code of Civil Procedure relating to grand juries and trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 383—An Act to amend Section 227 of the Code of Civil Procedure relating to trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 384—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 385—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 386—An Act to amend Section 199 of the Code of Civil Procedure, relating to the incompetency of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 387—An Act to amend Section 1055 of the Penal Code of the State of California, and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 388—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 389—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered 1079, relating to the examination of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 390—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to the disqualification of judges.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 391—An Act to amend Section 1487 of the Penal Code, relating to ground of discharge on habeas corpus.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 392—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 393—An Act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 394—An Act to amend Section 1012 of the Penal Code, relating to lack of jurisdiction.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 395—An Act to amend Section 1173 of the Penal Code of the State of California, relating to exceptions by the defendant to the change of place of trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 396—An Act to amend Section 1187 of the Penal Code of the State of California, relating to the effect of an order setting aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 397—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 398—An Act to amend Section 1009 of the Penal Code of the State of California, relating to the effect of an order allowing a demurrer.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 399—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment for information is granted.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 400—An Act to amend Section 802 of the Penal Code of the State of California, relating to the statute of limitations.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 401—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 402—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings on arraignment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 403—An Act to amend Section 686 of the Penal Code, relating to rights of a defendant in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 404—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 405—An Act to amend Section 1093 of the Penal Code of the State of California, relating to trials.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 406—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 407—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 408—An Act to amend Section 2051 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 409—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 410—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 411—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 412—An Act to amend Section 1127 of the Penal Code of the State of California, relating to instructions to juries.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 413—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon the trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 414—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 415—An Act to amend Section 1172 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 416—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 417—An Act to amend Section 1191 of the Penal Code of the State of California, relating to the time for pronouncing judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 418—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 419—An Act to amend Section 1369 of the Penal Code, relating to trial of the question of insanity.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 420—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 421—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 422—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 423—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 424—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 425—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 426—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 427—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 428—An Act to repeal Section 1176 of the Penal Code of the State of California, relating to charge of the court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 429—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 430—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 431—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 432—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 433—An Act to amend Section 1246 of the Penal Code of the State of California, providing for the record on appeal by a defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 434—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 435—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 436—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1246*a*, providing for the record on appeal by the people.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 437—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 438—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 439—An Act to repeal Sections 1171, 1174, 1175 and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 440—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247, relating to proceedings after a verdict when the trial judge is unable or refuses to act.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 441—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247*a*, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 442—An Act to amend Section 1264 of the Penal Code of the State of California, relating to judgment on appeal and allowance of certain costs to defendant.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 443—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington, and Bay of San Pedro," approved March 19, 1889.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 445—An Act to provide for submitting to a vote of the people in cities of the fifth and sixth class the question as to whether a license to sell intoxicating liquors shall be granted by the trustees thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Price: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Bill read first time, and referred to Committee on Hospitals and Asylums.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools for that day.

CLIO LLOYD, Chief Clerk,
By THOS. G. WALKER, Assistant.

Senate Bill No. 41 ordered to enrollment.

ANNOUNCEMENTS.

The President of the Senate presented the following communications, relative to the accrediting of newspaper correspondents, which were read and ordered printed in the Journal:

OAKLAND, CALIFORNIA, January 14, 1909.

HON. WARREN R. PORTER, *President of the Senate, California.*

DEAR SIR: The bearer, Col Edward A. O'Brien, is the accredited correspondent of the Oakland Tribune to the Thirty-eighth legislative session of the State of California, 1909.

Yours cordially,

JOHN F. CONNERS,
Managing Editor.

SERGEANT AT-ARMS, *Senate, Sacramento, Cal.*

SAN FRANCISCO, January 14, 1909.

DEAR SIR: The bearer, Mr. H. T. Quinn, has been detailed by The Associated Press to report the sessions of the California State Legislature. Any courtesies extended to him will be appreciated.

Yours truly,

PAUL COWLES,
Superintendent Western Division.

BERKELEY, CALIFORNIA, January, 13, 1909.

LEWIS A. HILBORN, *Secretary of the Senate, Sacramento, Cal.*

DEAR SIR: When you make up your list of newspaper representatives, kindly put my name down as representing the California Press Association.

Yours sincerely,

FRIEND W. RICHARDSON.

COMMONWEAL "CASTLE," NAPA COUNTY, CAL., January, 1909.

(Permanent home of Labor Knight, only perambulating paper published in the world.—Union Labor Cartoon, January, 1909.)

To HON. WARREN R. PORTER, *Lieutenant-Governor of California,
President of the California Senate, Capitol, Sacramento, Cal.*

DEAR SIR: On the request of Lewis A. Hilborn, Esq., Secretary of the Senate, this is written to state that the undersigned is the only representative of the Labor Knight in attendance on the California Legislature, thirty-eighth session, and to respectfully ask for the privilege of the Senate floor.

CARL BROWNE.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Senator Wright, the Acting President, declared the Senate adjourned until Monday, January 18, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 18, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 15, 1909, the further reading was dispensed with, on motion of Senator Wolfe.

PETITIONS.

The President of the Senate presented a petition from Giles Otis Pearce, the title of which was ordered printed in the Journal.

TITLE OF PETITION.

Petition to the Legislature of and for the State of California, Senate and General Assembly, relative to the claims and prayer for bills of Giles Otis Pearce.

Senator Price presented the following petition, which was ordered printed in the Journal:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

I, Wright Whitney, W. E. Saunders, J. T. Tanmon, D. P. Anderson, C. W. Savage and twenty-one others.

Senator Caminetti presented the following petition, which was ordered printed in the Journal:

To the State Senate of California.

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

Alfred E. Graebe, H. P. Beer, N. H. Toucart, F. F. Hansen, S. A. Nichley, and twelve others.

RESOLUTIONS.

The following resolutions were introduced:

By Senator Wolfe:

Resolved, That on and after this date, the number of persons or newspapers to whom copies of bills shall be mailed by the Sergeant-at-Arms shall be limited to five to each Senator, and the Senators are requested to hand their list of names to the Press Mailing Clerk.

Resolution read, and adopted.

By Senator Price:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of Senators and Lieutenant-Governor and *e. o. instanti* transmit a statement of the same to the State Controller, and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin-Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCart, ney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

By Senator Caminetti:

WHEREAS, It is reported that a portion of the harbor front of San Francisco is about to be devoted, under other than public authority, to a great system of wharves, docks and other harbor facilities; therefore, be it

Resolved by the Senate, That the Board of State Harbor Commissioners be, and it is hereby, requested to furnish at its earliest convenience, for the use of the Senate, the following information:

First—Are there any plans or proposals for wharves, docks, or other harbor facilities, in course of construction, or contemplated, on any portion of the harbor front of San Francisco, not now under control of the State; if so, by whom, at what place or places, and under what authority?

Second—If any such wharves, docks, or other harbor facilities, are now being constructed, or contemplated, what effect when completed, will the operation thereof, under other than State authority, have on the commerce of the port of San Francisco, either foreign or domestic, on the efforts and plans, present and proposed, of the State, to provide for such commerce, by its system of wharves, docks and other harbor facilities, and on the revenue-earning capacity of the system owned and provided by the State; and

Third—The recommendations and suggestions that said Board may see proper to submit, concerning the proposed or contemplated system of wharves, docks, or other harbor facilities, referred to in the preamble to these resolutions.

Resolution read and adopted.

Also:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have since the first day of January, 1909, made a material advance in freight rates from Eastern points to and from all points in the State of California;

WHEREAS, Such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars;

WHEREAS, Such new rates are unjust and unreasonable, in view of the fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase and have organized with the object in view of securing relief from the burden imposed thereby;

WHEREAS, The consumers of the State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchant, the shipper, the producer, the consumer and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commission, embodying the attitude of the people of California on the subject and asserting their rights to relief from the unjust burden so as aforesaid placed on all material interests of California and her people; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

Resolution read, ordered printed in the Journal, and, on motion of Senator Price, referred to the Committee on Federal Relations.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Senate Joint Resolution No. 1—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.

Also: Assembly Joint Resolution No. 2—Relative to repairs of United States roads in Yosemite Valley.

CLIO LLOYD, Chief Clerk.
By LEO PREISKER, Assistant.

Senate Joint Resolution No. 1 ordered to enrollment.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Curtin asked for, and was granted unanimous consent to have Assembly Joint Resolution No. 2 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION No. 2.

Relative to repairs of United States roads in Yosemite Valley.

WHEREAS, Since Yosemite Valley was ceded by the State of California, to the United States, sufficient money has not been appropriated by Congress to maintain the public roads in said valley in a suitable or fit condition for public travel thereover; therefore, be it

Resolved by the Assembly and the Senate of California jointly. That our Senators in Congress be instructed and our Representatives be requested to use all honorable means necessary to secure appropriations in the present session of Congress sufficient to place said roads in good condition; and, be it further

Resolved. That the Chief Clerk of the Assembly immediately forward a copy of these resolutions to each of the Senators and Representatives in Congress, from California.

Assembly Joint Resolution No. 2 read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Assembly Joint Resolution No. 2 ordered transmitted to the Assembly.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 2, and respectfully ask your honorable body to concur in the same.

CLIO LLOYD, Chief Clerk.
By LEO FREISKER, Assistant.

CONSIDERATION OF CONCURRENT RESOLUTION-- (OUT OF ORDER).

Senator Willis asked for, and was granted unanimous consent to have Assembly Concurrent Resolution No. 2 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California request the admission of the University of California to the list of accepted institutions entitled to the benefits of the Carnegie foundation for the advancement of teaching; and be it further

Resolved. That we express our high appreciation of the beneficent purposes of this foundation, and of the good which it has wrought in strengthening and developing the system of university education in America, and providing more adequate reward, through its pension plan, for the services of American scholars to the community.

Assembly Concurrent Resolution No. 2 read, and unanimously adopted.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

MOTION.

Senator Wolfe moved that the Secretary of the Senate be instructed to telegraph Senate Joint Resolution No. 1 to the Representatives of the State of California in Congress, and to the Committee on Public Lands in Congress.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to purchase for the use of the Committee on Municipal Corporations seven copies of Finlayson's Street Law, the cost of the same to be paid out of the contingent fund of the Senate.

Have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 15, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges—have had the same under consideration, and respectfully report the same back with the recommendation that it be referred to the Judiciary Committee.

THOMPSON, Chairman.

Senate Bill No. 85 ordered on file for second reading.

Senate Bill No. 180 ordered referred to Committee on Judiciary.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 70—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with the recommendation that it be referred to the Judiciary Committee.

LEAVITT, Chairman.

Senate Bill No. 70 ordered referred to Committee on Judiciary.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 47—An Act providing for the sanitation of food-producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Also: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 47 and 51 ordered on file for second reading.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Savage: Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California, entitled an Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom (approved March 20, 1889; approved March 21, 1905).

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 449—An Act to amend section fourteen hundred and twenty-five of the Penal Code of the State of California, relating to the jurisdiction of Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 450—An Act to amend Section 4263 of Political Code, as amended in 1907, Statutes of 1907, pages 509, 510 and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Kennedy: Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Miller: Senate Bill No. 452—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove in Tulare County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Leavitt: Senate Bill No. 454—An Act to amend an Act entitled "An Act creating a State commission on voting or balloting machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Holohan: Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest

lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor, "approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and terms of office.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 456—An Act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to elections within this State.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator McCartney (by request): Senate Bill No. 457—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sanford: Senate Bill No. 458—An Act to provide for the levy and collection of the tax on income.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 459—An Act to repeal Section 258 of the Penal Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 460—An Act to repeal Section 259 of the Penal Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo: Senate Bill No. 461—An Act to amend Section 4131 of the Political Code, relative to the duties of county recorders.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record, upon the books of county recorders, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 463—An Act to amend Section thirty-seven hundred and sixty-six of the Political Code of the State of California, relating to publication of delinquent tax list.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 469—An Act to license the use of the unsold tide lands of the State for oyster cultivation.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 470—An Act making an appropriation to pay the claim of Southern Construction Company for the grading of Campus avenue at the State Normal School, San Diego, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 471—An Act to amend Section sixteen hundred and seventeen of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 472—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the county, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Willis: Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 475—An Act to divide the State of California into two fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the "Fish Commission Fund," and the "Game Preservation Fund," into a common fund to be known as "Fish and Game Preservation Fund."

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article 1, of the Political Code of California by adding a new section to said Article 1, to be numbered 344, relating to Fish and Game Commissions.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil executive officers.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill 479—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom for game and fish preservation and restoration.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Cutten: Senate Bill No. 480—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 481—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Willis: Senate Bill No. 482—An Act to amend Sections 1, 2 and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Bill read first time, and referred to Committee on County Government.

By Senator Reily: Senate Bill No. 483—An Act to add a new Section to the Penal Code of the State of California to be known as No. 345, defining the duties and liabilities of junk dealers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 484—An Act to add a new section to the Penal Code to be numbered two hundred sixty-six *h.* relating to male persons, who live with, or live off of, or accept, the earnings of prostitutes, or any female not the wife of such male persons, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of

said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Bill read first time, and referred to the San Francisco Delegation.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 19, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 18, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

APPROVAL OF JOURNALS.

The Journals of Monday, January 11, Tuesday, January 12, and Wednesday, January 13, 1909, having been corrected, were read and approved.

PETITION.

Senator Martinelli presented the following petition, which was ordered printed in the Journal:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

C. H. Stevens, N. B. Harris, E. A. Stevens, H. P. Proctor, E. Q. Smith, and others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 46, 316, 317, 318, and 111 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 44—An Act for the preservation of seals or sea-lions in the waters of the Santa Barbara channel or on about or near any land adjacent thereto—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to Committee on Fish and Game.

WILLIS, Chairman.

Senate Bill No. 44 referred to Committee on Fish and Game.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California to be numbered Section 67a, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Also: Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Also: Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 104, 78, 187, and 253 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 206 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 50—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees, and to the officers of municipalities of the sixth class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 35, 50, and 88 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said City of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 1 ordered on file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price, and terms of sale of school lands—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEWIS, Chairman.

Senate Bill No. 186 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental cost of moving and other necessary expenses incurred by different State officers.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 313 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, JANUARY 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Also: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 301 and 300 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools for that day.

And report that the same has been correctly enrolled; and presented the same to the Governor on this 18th day of January, 1909, at one o'clock P. M.

STROBRIDGE, Chairman.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to procure for the use of the members of the Senate forty-three copies of Kerr's Annotated Codes and Henning's General Laws, in lieu of the Deering California Codes, heretofore ordered, the same to be paid out of the contingent fund of the Senate.

Have had the same under consideration, and respectfully report the same back, without recommendation.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

Senator Curtin moved to lay the resolution on the table.

Motion duly seconded and carried.

INTRODUCTION AND FIRST READING OF BILLS; ETC.

The following bills, etc., were introduced:

By Senator Rush: Senate Bill No. 486—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five

thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing their salaries.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Savage: Senate Bill No. 487—An Act to amend Chapter I of Title VI of Part III of the Political Code by adding thereto an article to be numbered XI, providing for the regulation and control of wharves and public waters at and near San Pedro, in Los Angeles County.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator McCartney: Senate Bill No. 488—An Act to amend Section 1258 of the Penal Code, relating to judgments and decisions on appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 489—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Birdsall: Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Senator Kennedy: Senate Bill No. 491—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof and by adding a new section immediately after Section 1918, to be numbered Section 1918a, relating to rate of interest that may be agreed upon in written instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 493—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and for National Guard purposes, in the city and county of San Francisco, and to make appropriation therefor.

Bill read first time, and referred to the San Francisco Delegation.

Also: Senate Bill No. 494—An Act to provide for the registration and licensing of teachers of music in the State of California, providing for a State board of examiners in music, fixing fees and compensation.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Cutten: Senate Bill No. 495—An Act to amend Section

4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Cartwright: Senate Bill No. 496—An Act to amend Section 4014 of the Political Code, relating to the township officers.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 497—An Act relating to City Justice's Courts in cities organized under a freeholders' charter wherein a Police Court is created having exclusive jurisdiction in all prosecutions for violations of the ordinances of such city and the enforcement of any obligation or liability prescribed or created by the ordinances of such city, and providing for the appointment of a clerk for such court, prescribing the powers and duties and fixing the compensation of such clerk.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 498—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 499—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 500—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 502—An Act to amend Section 626i of the Penal Code, relating to number of deer that may be taken or killed during an open season.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Constitutional Amendment No. 25—Proposed amendment to Section 9 of Article II of the Constitution, relative to the compensation of officers and the extension of the term of officers.

Constitutional amendment referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 503—An Act to establish a State Board of Fish and Game Commission, and to define its powers.

Bill read first time, and referred to Committee on Fish and Game.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 47—An Act providing for the sanitation of food-producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 3, line 3, strike out the word "wainscoated."

Amendment adopted.

Also:

On page 2, Section 3, line 4, after the word "washed" insert the following: "or otherwise kept in a good sanitary condition."

Amendment adopted.

Also:

On page 2, Section 3, line 4, strike out the word "and," and insert in lieu thereof the word "or."

Amendment adopted.

Also:

On page 2, Section 3, line 8, after the word "water" insert the following: "or otherwise kept in a good sanitary condition."

Amendment adopted.

Also:

On page 3, Section 4, lines 2 and 3, strike out the words "during the fly season," and insert in lieu thereof the following: "Where practicable."

Amendment adopted.

Also:

On page 5, Section 10, line 11, after the word "of" insert the word "public."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

During second reading of bill, the following amendments were submitted by committee:

On page 2 of the printed bill, after line 44, add a new section to be numbered 2, and to read as follows:

SEC. 2. This act shall take effect immediately.

Amendment refused adoption.

Also:

On page 2, Section 6, line 43, strike out the word "labeled," and insert in lieu thereof the following: "Indicated by written or printed label or placard plainly designating such fact."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation; and the conservation of water—and respectfully request your honorable body to adopt same.

CLIO LLOYD, Chief Clerk.

By THOS. G. WALKER, Assistant.

Assembly Joint Resolution No. 1 ordered referred to the Committee on Commerce and Navigation.

COMMUNICATION.

Senator Wright presented the following telegram, which was read and ordered printed in the Journal:

SAN DIEGO, CAL., January 18, 1909.

HON. LEROY A. WRIGHT, *Sacramento, Cal.*:

The ceremonies incident to turning the water into the completed Delzura conduit, whereby the city of San Diego is assured of a perpetual supply of eighty million gallons of pure mountain water per day, will be held at Barrett's dam, January 22, 1909. Kindly extend a cordial invitation to the Senators and Assemblymen to attend.

JOHN F. FORWARD, Mayor.

ADJOURNMENT.

At ten o'clock and forty minutes A. M., on motion of Senator Estudillo, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 20, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 19, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PETITION.

The following petition was presented by Senator Estudillo, and ordered printed in the Journal.

LOS ANGELES, January 15, 1909.

To the Honorable Representatives of Los Angeles County, State of California.

We the undersigned educators, earnestly appeal to you, and through you to the Legislature now in session, to pass a free text-book bill, granting free text-books to all public schools in the State of California.

R. R. Ford, J. M. Stephens, C. D. Lill, Thos. J. Norton, J. M. Keller and others.

RESOLUTIONS.

The following resolution was offered:

By Senator Caminetti:

Whereas, Wells, Fargo & Co.'s Express, now chartered as a common carrier of interstate and other commerce, has long made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

Whereas, It is alleged that a combination existing territory and for the maintenance of rates exists between the various express companies of the United States vis-a-vis the express business of the Pacific States is to be carried by Wells, Fargo & Co.; and

Whereas, It is alleged that some of the transportation railroads are also interested in said combination, and are giving some by special privileges; and

Whereas, Such combination if any exists is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby directed to investigate the advance in such express rates with the relation to the reports thereof and effect thereof on the merchant, the shipper, the consumer and otherwise generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies as may be deemed in the premises as in the judgment of the committee may seem suitable; be it further

Resolved, That said committee shall have power to summon witnesses and to call any papers and books, and to examine witnesses when necessary, do it together.

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to said committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in such investigation.

Resolution read, and ordered printed in the Journal.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above resolution be made a special order for Friday, January 22, 1909, at eleven o'clock A. M.

Motion carried.

QUESTION OF PERSONAL PRIVILEGE.

Senator Walker arose to a question of personal privilege, and spoke as follows:

For several days I have been trying to have Senate Bill No. 39 considered by the Committee on Public Morals, but without avail. This morning I was informed by Senator Wells, chairman of said committee, that he had never received such an order and did not know of its existence, neither did he have any committee clerk to his knowledge, and that he had signed personally for other bills sent to his committee.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By the Committee on Contingent Expenses:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00, payable out of the contingent fund of the Senate for the purchase of postage stamps to be used by the Press Mailing Clerks.

WOLFE, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Holohan, Hurd, Kennedy, Leavitt, Martinnelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties—and report that the same has been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bill No. 85 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 1—Relative to a joint resolution in congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.—and report that the same has been correctly enrolled, and presented the same to the Governor on this 20th day of January, 1909, at nine o'clock and thirty-five minutes A. M.

STROBRIDGE, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 11—An Act prescribing the powers and duties of the Board of Railroad Commissioners, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor.

Also: Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled, "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.

Also: Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 114—An Act regulating the furnishing and use of cars, for shipment of freight upon lines of railway operating within the State of California, requiring railway companies, persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, to furnish cars for shipment of freight upon written application from persons, firms or corporations having freight for shipment, and providing penalties and damages to be paid by persons, firms, cor-

porations, receivers, trustees or lessees operating lines of railway within the State of California to persons, firms or corporations having freight for shipment, for failure to furnish cars in which to ship freight; and providing penalties and damages to be paid to persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, by persons applying for and using cars for shipment of freight, who fail to load or unload cars so furnished within a reasonable time.

Also: Senate Bill No. 13—An Act to regulate railroad passenger rates.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to Committee on Corporations.

WILLIS, Chairman.

Senate Bills Nos. 11, 27, 67, 114, and 13 referred to Committee on Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4218a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural and horticultural non-profit cooperative associations.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

Also: Senate Bill No. 243—An Act authorizing the Boards of Supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month to be paid into the "Law Library Fund," designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 233, 29, 121, 180, and 243 ordered on file for second reading.

Also:

SENATE CHAMBER SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Bill No. 68—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

Also: Senate Bill No. 340—An Act to amend Section 625 of the Civil Code of Procedure of the State of California, relating to the general and special verdicts.

Have had the same under consideration, and respectfully report the same back, with the recommendation that authors withdraw the same.

WILLIS, Chairman.

WITHDRAWAL OF BILLS.

Senator Anthony asked for, and was granted, unanimous consent to withdraw Senate Bill No. 340.

Senate Bill No. 340—An Act to amend Section 625 of the Code of Civil Procedure of the State of California, relating to the general and special verdicts.

Senate Bill No. 340 withdrawn, and ordered stricken from the file.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 68.

Senate Bill No. 68—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions.

Senate Bill No. 68 withdrawn, and ordered stricken from the file.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 9 and 259 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 282—An Act to provide for the purchase of additional land at the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to the Committee on Finance.

MARTINELLI, Chairman.

Senate Bills Nos. 282 and 283 ordered referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 333 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 65 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 257—An Act establishing a State Normal School and Agricultural Institute at Fresno, County of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and be referred to Committee on Finance.

BLACK, Chairman.

Senate Bill No. 257 ordered referred to Committee on Finance.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 161 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be referred to the Committee on Finance.

BILLS, Chairman.

Senate Bill No. 347 ordered referred to Committee on Finance.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WALKER, Chairman.

Senate Bills Nos. 178 and 273 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 17, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe Wagon Road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono Road; to place such highway under the supervision, management and control of such Department of Engineering and to designate and name such state highway as the Alpine State Highway—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 322 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 332—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake in Nevada County—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 332 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 368—An Act to provide for the survey, location and construction of the state highway from the western terminus of the Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 368 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 242 ordered referred to Committee on Finance.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

PRICE, Chairman.

Senate Bill No. 40 ordered on file for second reading.

PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 130—An Act to amend Section 2979, of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 132—An act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do not pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 130, 131, and 132 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Black: Senate Bill No. 504—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and re-equipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand

dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Estudillo: Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 506—An Act to add a new section to the Penal Code, to be numbered section two hundred and sixty-nine *c.*, relating to adultery and providing punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 508—An Act to provide for a State highway from Moreno to Beaumont, in Riverside County.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Stetson (by request): Senate Bill No. 509—An Act providing for the use of the credit of the State of California for the establishment of a currency or an exchange medium.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Savage: Senate Bill No. 511—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section to be numbered 2*a*, and repealing Section 7 and Section 10*b* of said Act.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 513—An Act to amend Section 290*a* of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 514—An Act amending Section 4274 of the

Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hurd (by request) : Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Price: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 517—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 518—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 519—An Act to provide county library systems.

Bill read first time, and referred to Committee on Education.

By Senator Bills: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agri-

cultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Roseberry: Senate Bill No. 524—An Act to provide for public cemetery districts.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Burnett: Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Martinelli: Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled, "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 527—An Act to add a new section to the Penal Code, to be numbered 556, to prevent fraud in the sale of commodities baled, boxed, crated or otherwise packed for sale and delivery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 528—An Act to amend section seven hundred and thirty-nine of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 529—An Act to add a new section to the Penal Code, to be numbered 626*n*, to prohibit the hunting of ducks in motor boats.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Estudillo (by request): Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Bill read first time, and referred to Committee on Irrigation.

By Senator Caminetti: Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Joint Resolution No. 7—Relative to Asiatic immigration. Joint resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

SENATE CONCURRENT RESOLUTION No. 1.

Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants and has been ever

since the year of 1900 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of said State of California on the 20th day of February, 1899 (Statutes of 1899, pages 448 to 489 inclusive); and,

WHEREAS, The city council of said city of Santa Barbara, did, by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, and pursuant to said Section 8, of Article XI, of said Constitution of the State of California, duly propose to the qualified electors of said city of Santa Barbara nine certain amendments hereinafter set forth, to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 3rd day of December, 1907; and,

WHEREAS, Said proposed amendments were and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit "The Morning Press," said publication ending on the 25th day of October, 1907; and,

WHEREAS, Thereafter the city council of said city, did by ordinance which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara on the 3rd day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published for at least ten days prior to the time appointed for the holding of such election in "The Morning Press," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify seven of said nine proposed amendments, to wit, numbers three, four, five, six, seven, eight and nine, thereof, but did not ratify numbers one and two of said proposed amendments; and,

WHEREAS, The city council of said city at a special meeting thereof, held within ten days after said election for such purpose, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said seven of said proposed amendments, and rejected said numbers one and two; and,

WHEREAS, The mayor and city clerk of said city did, on the 8th day of January, 1909, duly certify to the submission to the qualified electors of said city of said nine proposed amendments to said charter and to the ratification of said seven of such amendments, and did further certify to a copy of said seven proposed amendments, authorized by the seal of said city of Santa Barbara, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA, } ss.
City of Santa Barbara.

We, the undersigned, Elmer J. Boeseke, mayor of the city of Santa Barbara, State of California, and A. Davis, city clerk of said city, do hereby certify and declare as follows:

That the city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants, and has been ever since the year 1900 and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of the state aforesaid, on the 20th day of February, 1899:

That the city council of the said city of Santa Barbara did, by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, pursuant to section eight of Article XI of the Constitution of said State of California, duly proposed to the qualified electors of said city nine certain amendments to the charter of such city to be submitted to said qualified electors at a municipal election to be held in said city on the 3rd day of December, 1907, and that the seven of said amendments ratified as hereinafter set forth were in words and figures, to wit:

Amendment No. Three.

That the said charter shall be amended by adding thereto immediately after Section 4 of said charter a new section to be known as "Section 4a," and to be known and read as follows:

Sec. 4a. Said city shall have the power to acquire, own, regulate, construct, maintain, operate, condemn, lease, purchase and repair wharves, docks, chutes, piers and breakwaters, and lands and appurtenances necessary therefor, on, near and in

waters within its corporate limits, or contiguous thereto; and it shall have the power to fix, charge and collect tolls, wharfage, and dockage for the use of any and all of such structures.

Amendment No. Four.

That said charter shall be amended by adding thereto immediately before Section 5 of said charter a new section to be known and numbered as Section 4b. and to be known and read as follows:

Sec. 4b. Whenever the legislative body of said city shall by ordinance declare that the public interest and necessity demand and require the acquisition by and through proceedings in eminent domain of any property, structure or structures as mentioned in Section 4a of this charter (except such of said property and structures as may be owned and used by the United States of America or the State of California) and by said ordinance direct the institution of such proceedings, said ordinance shall in such proceeding be conclusive evidence and determination that the use for which said condemnation is sought is a more necessary public use than that to which the property sought to be condemned is then being devoted and also that the property so sought to be condemned is necessary for the public use for which such condemnation is sought.

And said council does hereby submit to the qualified electors of said city the following five proposals to amend said charter; each of which have been duly petitioned for in the manner required by Section 8 of Article XI of the Constitution of this State by at least fifteen per cent. of the qualified voters of said city.

Said proposals are as follows:

Amendment No. Five.

That said charter shall be amended by striking out therefrom Section 26 thereof and by substituting in lieu of said Section 26 a new section to be known and numbered as Section 26 and to be read as follows:

"SEC. 26. The seven members of the council shall be chosen at large by the vote of the electors of the city voting at the general municipal elections; and no person shall be eligible to the office who has not resided in said city for one year prior to his election and who is not a qualified elector thereof."

Amendment No. Six.

The said charter of the city of Santa Barbara shall be amended as follows:

1. By striking out therefrom Section 8 of said charter and by substituting in lieu thereof as for Section 8 of said charter the following:

Sec. 8. The non-elective officers of said city shall consist of a chief of police, a city engineer and three commissioners of public works and three water commissioners.

2. By striking out Section 19 of said charter, and substituting in lieu thereof the following, as and for said Section 19 of said charter:

Sec. 19. The other officers and employees of the city shall receive compensation as follows: City clerk and as auditor \$100 per month, and for his compensation as assessor \$75 per month for four months each year commencing with the month of March. Chief of police \$1800 per annum. City attorney \$1200 per annum. Police judge \$1,000 per annum. Treasurer \$500 per annum, and an additional compensation as tax collector of \$200 per annum, and five per cent on all license taxes collected.

School trustees, and the trustees of the free public library and commissioners of public works and water commissioners shall receive no compensation whatever for their services as such trustees and commissioners; *provided* that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding \$20 per month; *provided further* that nothing in this charter contained shall preclude the council of said city by ordinance, from authorizing any deputy city officer or officers and fixing his or her compensation; *and provided, further*, that no term of office of any deputy officer shall be created to extend beyond the term of the officer for whom he is the deputy.

By striking out all of Section 123 of said charter, and inserting in lieu of said Section 123 the following:

Sec. 123. There is hereby created a department of said city, to be known as the "department of public works," which shall be under the management and control of a board of three commissioners to be known as "the board of public works."

(a) Said commissioners shall be appointed by the mayor.

(b) The term of office of the members of the board of public works shall be six years. The term of office of the three members first appointed hereunder shall be reckoned from and after the first Monday of January preceeding their appointment. In the appointment of the first board, the term of the commissioners shall be two, four and six years, respectively, after said date. If any vacancy occurs the mayor shall fill the same by appointment for the unexpired term.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership upon the board sooner expires.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each month.

(c) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary to be fixed by the board of public works, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall be ordered to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(g) The board of public works shall appoint an inspector of streets who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board, shall be entitled to take and hold, and shall be appointed by said board to the office of inspector of streets for a term ending on the first Monday of January, 1910. Upon the expiration of said term the board of public works shall not appoint any other general inspector, unless in their discretion they appoint some member of their own commission to serve without compensation. The salary of such inspector up to the first Monday of January, 1910, shall be the same as his salary theretofore as street superintendent.

(h) The board of public works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated the city engineer. He shall receive a salary to be fixed by the board, and shall hold office at the pleasure of the board. *Provided, however,* that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by the said board to, the office of city engineer provided for therein, for a term ending on the first Monday of January, 1910. The city engineer herein provided for shall be the successor in the office of the city engineer. He shall perform all the civil engineering and surveying necessary on the prosecution of public work done under the direction or supervision of the board. He shall make such certificate and upon the progress of such work and shall make such survey, inspection and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer.

(i) The board of public works shall appoint and employ and remove, superintendent, inspectors, clerks and employ in character and number as the city council shall, by ordinance from time to time prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

(j) The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said official, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

By striking out all of section 124 of said charter, and inserting in lieu thereof, the following:

Sec. 124a. The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in construction of any sewer or drain, ordered by the city council in or over the right of way granted or required for such purpose.

2. The examining, considering, and declaring of such proposals or bids.

3. The awarding, letting and re-letting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids, for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bond required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

5. The board shall also have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

6. The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(b) The president of the board of public works, shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed

by law upon the mayor relating to the approval and fixing of the amount of bond required to be given by contractors prior to or at the time of executing contracts for such work.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

(d) The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council.

1. All of the public ways, streets, avenues, lanes, alleys, places and courts now open or which may hereafter be opened in the city of Santa Barbara; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, and lighting of all public ways, streets, avenues, lanes, alleys, places and courts.

4. Of the disposal of garbage, sewage and street refuse.

5. Of such other matters as may from time to time be assigned to it by law or ordinance.

(e) The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of buildings and structures in the city.

(f) All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control except public work or improvement, the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefit, shall be let and entered into in behalf of the city by the board of public works in the following manner: Every such contract shall first be authorized by a resolution passed by a vote of a majority of the members of the council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office, and published once in a newspaper of general circulation, printed and published in the city of Santa Barbara, inviting sealed bids for the performance of the work or service or the furnishings or the material of supplies contemplated. Said notice shall require the bonds to be filed with the board at or before a certain hour of a day, not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced, and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and descriptions of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by cash or a check, certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent. of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids, the board shall meet and in open session examine and publicly declare the bids received and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bid, the board shall return to the proper person the check accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall

first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, and shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same, before it takes effect, be approved by the mayor.

(g) All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

(h) In addition to other duties imposed upon him by this charter, or by ordinances of the council, the city engineer shall:

1. Make all surveys, inspections and estimates required by the council.
2. He shall examine all public work done under contract and report thereon to the council.

3. The board of public works shall by resolution establish fees and charges for the services to be performed by the city engineer for persons, companies and corporations, and may from time to time change the same. Said engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such money thus paid shall be paid in by him to the city treasurer and credited by the latter to such fund or funds as the said board may direct.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof and shall turn over the same to his successor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, as such city engineer during his term of office shall be property of the city.

(i) Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as in Sections 123 and 124 provided.

(j) Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

(k) Said commissioners of public works shall not supersede or perform any of the duties of the departments provided for by Sections 115 to 122 inclusive of Article XI of this charter.

Amendment No. Seven.

That said charter shall be amended by adding thereto a new section which shall be numbered Section 174a, and shall be and read as follows:

SEC. 174a. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Upon presentation to the city council of a petition or petitions signed by the qualified electors of the city, in number equal to ten per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to twenty per cent. of said registration, then such measure if not enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions. If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to twenty-five per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election, occurring subsequent to sixty days after the filing of said petition or petitions. The method of signing and presenting petitions provided for herein shall be as follows:

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of his examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within twenty days after such amendment, make like examinations of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures, may be voted upon at the same election in accordance with the provisions of this section; *provided* that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided.

Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

If a majority of votes cast on any ordinance or measure submitted to the electorate, as provided in this section, shall be in favor thereof it shall go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined; otherwise such ordinance or measure shall be rejected. No ordinance or measure approved by the electorate, under the provisions of this section shall be subject to veto, and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by the council to be held not less than thirty days nor more than forty days from the date of the ordinance calling the same. If the provisions of two or more measures, approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Amendment No. Eight.

That said charter shall be amended by inserting therein a new section to be numbered Section 174b which shall read as follows:

SEC. 174b. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Any measure that the city council, or the electorate of the city as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000) passed by the city council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public, peace, health, or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council, or as otherwise provided by law. If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to ten per cent. of said registration, if filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than \$1000) adopted by the city council be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next

regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city in number equal to fifteen per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or on a petition signed by twenty-five per cent of said registration.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of the filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of its owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

The clerk shall within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election, in accordance with the provisions of this section, *provided*, that there shall not be held under this section more than one special election in any period of six months.

Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such a measure to be printed in the official newspaper of the city, and published in like manner as ordinances adopted by the council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided.

If a majority of the votes cast on any ordinance or measure referred as provided in this section to the electors of the city, shall be in favor thereof, it shall if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of this section shall be subject to veto; and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section. In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measures receiving the highest affirmative vote shall control.

Amendment Number Nine.

That said charter shall be amended by adding thereto a new section which shall be numbered Section 174c and which shall be and read as follows:

SEC. 174c. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least 25 per cent of the entire vote for all candidates for office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review. The signatures to the petition need not at all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence,

and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination, files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council in calling said election shall for any reason be delayed, then such election may be called by the council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and result thereof declared, in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That the said nine proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation, to wit, "The Morning Press," and that said publication ended on the 25th day of October, 1907.

That thereafter the city council of said city did, by ordinance No. 594, which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara, on the 3d day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments, hereinafter set forth, to the city charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said nine proposed amendments to the charter of said city of Santa Barbara, except such proposed amendments Numbers One and Two; and that said proposed amendments Numbers One and Two did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election.

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said nine proposed amendments to said charter, except the said Nos. One and Two.

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said seven certain proposed amendments to the charter of said city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 3d day of December, 1907.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 8th day of January, 1909.

ELMER J. ROESEKE,

Mayor of the City of Santa Barbara.

ALFRED DAVIE,

City Clerk of the City of Santa Barbara.

AND WHEREAS, The said seven amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of article XI, of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein) that the said seven amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

Senate Concurrent Resolution No. 1 read.

REFERENCE OF SENATE CONCURRENT RESOLUTION TO COMMITTEE.

On motion of Senator Wolfe, Senate Concurrent Resolution No. 1 was referred to Committee on Judiciary, to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 85—An Act to add a new section of the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Bill read third time.

On motion of Senator Caminetti, Senate Bill No. 85 was temporarily passed on file, to retain its place.

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator McCartney, Senate Bill No. 47 was referred to Committee on Judiciary, to retain its place on file.

SECOND READING OF BILLS.

Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

During second reading of bill, the following amendments were submitted by committee:

On page 1, section 1, line 3, printed bill, strike out the word "Section."

Amendment adopted.

Also:

On page 1, section 1, line 6, after the word "claim" insert "or by the person presenting the same."

Amendment adopted.

And:

On page 1, section 1, line 9, strike out the words "on such holder."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

During second reading of bill, the following amendments were submitted by committee:

On page 1, lines 5 and 6 of title, strike out of printed bill the words "(Los Angeles County)."

Amendment adopted.

Also:

On page 1, section 1, line 4 of the printed bill, strike out the words "(Los Angeles County)."

Amendment adopted.

Also:

On page 2, section 1, line 20 of the printed bill, strike out the words "(Los Angeles County)."

Amendment adopted.

And:

On page 2, section 1, line 27 of the printed bill, strike out the words "(Los Angeles County)."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1, after the enacting clause of the printed bill, insert the following:
"SECTION 1. Section three thousand eight hundred seventeen of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1 of the printed bill, strike out the word "Section."

Amendment adopted.

Also:

On page 2, line 44 of the printed bill, after the word "an," add the letter "y."

Amendment adopted.

Also:

On page 2, line 51, strike out the entire first line 51.

Amendment adopted.

Also:

On page 2, line 52 of the printed bill, insert after word "date" the word "thereof."

Amendment adopted.

And:

On page 3, last line of the printed bill stricken out.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

During second reading of bill, the following amendments were submitted by committee:

Amend title by striking out period and inserting after the word "Procedure" the words "of the State of California."

Amendment adopted.

Also:

On page 1, line 3 of the printed bill, before the word "If" insert "1474."

Amendment adopted.

Also:

On page 1, line 1 of the printed bill, before the word "section," insert "Section 1."

Amendment adopted.

Also:

On page 1, line 2 of the printed bill, after the word "Procedure," insert the words "of the State of California."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities to change their names, and providing the procedure therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, section one, line 7, strike out the word "twenty-five," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 2, immediately after Section 1, insert the following:

SEC. 2. If upon canvassing the votes cast at such election it is found that two thirds of the total number of votes so cast are not in favor of such proposed change of name, no further proceedings shall be had for a term of ten years thereafter.

Amendment adopted.

Also:

On page 2, section two, line 1, strike out the figure "2," and insert in lieu thereof the figure "3."

Amendment adopted.

And:

On page 2, section three, line 1, strike out the figure "3," and insert in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price, and terms of sale of school lands.

During second reading of bill, the following amendments were offered by Senator Miller:

Amend by inserting the following immediately after the enacting clause:

"SECTION 1. Section thirty-four hundred and ninety-four of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

Amend by striking out in line 1 the word "Section."

Amendment adopted.

And:

Amend by striking out line 14.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

During second reading of bill the following amendment was submitted by committee:

On page 1 of printed bill, Section 1, strike out all after the word "California," on lines 4 and 5, and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Co. against the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 1 of printed bill, Section 1, strike out all after the word "Co." on line 4, and insert in lieu thereof the words "against the State of California."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk.

By THOS. G. WALKER, Assistant.

Senate Bill No. 6 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed as a case of urgency Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriations for the same.

Also: Assembly Bill No. 168—An Act to repeal sections two thousand and forty-two and two thousand and forty-three of the Political Code of the State of California, relating to the National Guard.

CLIO LLOYD, Chief Clerk.

By THOS. G. WALKER, Assistant.

Assembly Bill No. 374 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 168 read first time, and referred to committee on Military Affairs.

PERMISSION FOR USE OF SENATE CHAMBER GRANTED.

On request of Senator Cullen, the Senate granted permission to the Senate Committee on Banking, and the Assembly Committee on Banks and Banking, to have the use of the Senate Chamber for the purpose of holding a joint session of said committees on Thursday evening, January 21, 1909.

On request of Senator Estudillo, the Senate granted permission to the Senate Committee on Elections and Election Laws, and the Assembly Committee on Election Laws, to have the use of the Senate Chamber for the purpose of holding a joint session of said committees on Tuesday evening, January 26, 1909.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Price, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 21, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Rev. Father Michael J. Carey.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 20, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Bills was, on motion of Senator Walker, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Stetson, granted leave of absence for this day.

COMMUNICATION.

The following communication was presented by the President of the Senate:

SAN FRANCISCO, CALIFORNIA, January 18, 1909.

WHEREAS, An attempt is being made to repeal the Act of the Legislature of the State of California protecting meadow larks; and

WHEREAS, Said Act was passed after full and careful investigation of the habits of those birds, and satisfactory evidence that they are of great benefit to the State, and, in the words of Professor Beal of the United States Department of Agriculture, "one of the most useful allies to agriculture, standing almost without a peer as a destroyer of noxious insects"; therefore,

Resolved, That the California Academy of Sciences hereby earnestly protests against any change in the law protecting meadow larks; and that the recording secretary be and is hereby instructed to forthwith forward a copy of this preamble and resolution, duly authenticated, to the President of the Senate and Speaker of the Assembly of the Legislature of the State of California now in session at Sacramento.

J. W. HOBSON,

Recording Secretary California Academy of Sciences.

Communication read, and referred to Committee on Fish and Game.

PETITION.

The following petition was presented by Senator Stetson, and ordered printed in the Journal:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

J. O. Davis, J. G. Sanchez, Fred W. Hurni, F. E. Buckman, W. L. Parry, and others.

RESOLUTIONS.

The following resolutions were offered:

By Senator McCartney:

Resolved, That the State Printer be and he is hereby instructed to print 1,000 copies of the Governor's message for the use of the Senate.

Resolution read, and adopted.

Also:

By Senator Welch:

Resolved, That Thomas Dillon be, and he is hereby, changed from the position of Gate-keeper to Bill Filer, at a per diem of \$4.00, and the Controller is hereby directed to draw his warrant for the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. ordered the substitution made, and declared the above-named person had been elected.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 316—An Act to amend sections ten and eleven of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No. 317—An Act to amend sections ten and eleven of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered seventeen hundred and twenty-four, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Also: Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and Assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty ninth fiscal year.

Also: Senate Bill No 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 46, 316, 317, 318, 111, 35, 50, 88, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 313 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 260—An Act to amend the Penal Code by adding a new chapter to Title IX of Part I thereof to preserve one day in the week as a day of rest, and to promote health, morals and the public welfare—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to Committee on Public Morals.

WILLIS, Chairman.

Senate Bill No. 260 ordered referred to Committee on Public Morals.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bill No. 110 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 471—An Act to amend Section 617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 471 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel—have had the same under consideration, and respectfully report the same back as amended, without recommendation.

WILLIS, Chairman.

Senate Bill No. 205 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 8—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 8 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

BURNETT, Chairman.

Senate Joint Resolution No. 3 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California—have had the same under consideration, and respectfully report the same back, and recommend that same be adopted.

BURNETT, Chairman.

Senate Joint Resolution No. 5 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor—have

had the same under consideration, and respectfully report the same back, with amendments, and recommend that said bill do pass as amended, and that the same be referred to Committee on Finance.

STETSON, Chairman.

Senate Bill No. 278 ordered referred to Committee on Finance.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 285—An Act to amend an Act, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Also: Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WALKER, Chairman.

Senate Bills Nos. 285 and 238 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. MacKenzie, Chief Engineer, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass as amended.

WRIGHT, Chairman.

Senate Bill No. 346 ordered referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Senate Bill No. 473 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 112—An Act appropriating money for the purchase of bedding and for furniture and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 119—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$20,000.00 for building two cottages on the grounds of the Whittier State School.

Also: Senate Bill No. 143—An Act providing for an appropriation of \$1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Also: Senate Bill No. 144—An Act providing for an appropriation of \$3,500.00 for the purchase of a Mergenthaler Linotype and equipment for the Whittier State School.

Also: Senate Bill No. 145—An Act providing for an appropriation of \$1,000.00 for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No. 146—An Act providing for an appropriation of \$3,500.00 for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 147—An Act providing for an appropriation of \$5,000.00 for the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 148—An Act providing for an appropriation of \$12,000.00 for building and equipping a hospital and receiving cottage for the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of \$2,500.00 for the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 150—An Act providing for an appropriation of \$5,000.00 for traveling expenses and salary of a parole officer for Whittier State School.

Also: Senate Bill No. 163—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Also: Senate Bill No. 165—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at Preston School of Industry.

Also: Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Also: Senate Bill No. 167—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also: Senate Bill No. 168—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Also: Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and that they be referred to Committee on Finance.

MARTINELLI, Chairman.

Senate Bills Nos. 112, 113, 119, 142, 143, 144, 145, 146, 147, 148, 149, 150, 163, 164, 165, 166, 167, 168, 169, 364, 320, and 321 ordered referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 160—An Act to establish a bird and arbor day—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BLACK, Chairman.

Senate Bill No. 160 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYNTON, Chairman.

Senate Bill No. 58 ordered on file for second reading.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

LEAVITT, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

Bill read first time, and referred to the San Francisco Delegation.

By Senator Stetson: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars (\$6,527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 541—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 542—An Act to provide for the improvement of the cereal crops of California and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 543—An Act making an appropriation of fifteen thousand dollars for viticultural investigation.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 545—An Act to appropriate the sum of two hundred thousand dollars (\$200,000.00) toward the erection of an agricultural building for the University of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 546—An Act making an appropriation for the purchase and acquisition of lands for the University of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 547—An Act making an appropriation of eight hundred and six and 23-100 dollars (\$806.23) to repay the Regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code

of Civil Procedure of the State of California, relative to the payment of costs in transferring actions of proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 549—An Act to amend Section 553 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 550—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as section number 345, relating to concealing the actual rate of interest for the use of money.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 551—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as section number 345a, relating to the amount of interest to be charged on loans.

Bill read first time, and referred to Committee on Judiciary.

By Senator Strobbridge: Senate Bill No. 552—An Act to amend section number 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Savage: Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the Port of San Pedro.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Martinelli: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 555—An Act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two a, relating to the ascertainment of facts relating to the records of persons convicted of offenses, punishable by imprisonment in the State prison.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 557—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and munic-

ipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Finn: Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutten: Senate Bill No. 561—An Act to amend Section 637*a* of the Penal Code of California and to add thereto three new sections to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds and their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Campbell: Senate Bill No. 562—An Act relating to the liability of common carriers for the violation of any law of the State of California, or any order of the Board of Railroad Commissioners of this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 563—An Act to amend an Act entitled "An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 565—An Act fixing, establishing and defining, the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18 and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1894; and to add thereto three new sections, to be numbered Section 15*a*, Section 15*b*, and Section 15*c*, respectively; all relating to commitments to, or paroles and discharges from, said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Bates: Senate Bill No. 567—An Act to allow unincorpo-

rated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Bill read first time, and referred to Committee on Education.

By Senator Willis: Senate Joint Resolution No. 8—Relative to a joint resolution to the United States Board of Engineers and Harbors petitioning said board to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

Senate Joint Resolution referred to Committee on Commerce and Navigation.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 8.

By Senator Wright: Senate Concurrent Resolution No. 2—Chapter—, approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

Senate concurrent resolution referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 2.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Bill read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By striking out of section 1, line 8, the character and figures, "\$500," and inserting in lieu thereof, "three hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 85, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 46 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 316—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 317 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Reilly, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs-at-law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 50—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of division First of said Act relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations.

Also: Assembly Bill No. 123—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered two hundred and seventy "c," relating to the support of indigent parents.

CLIO LLOYD, Chief Clerk.

By THOS. G. WALKER, Assistant.

Assembly Bill No. 50 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 123 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Joint Resolution No. 3, and respectfully request your honorable body to adopt the same.

CLIO LLOYD, Chief Clerk.

By L. B. MALLORY, Assistant.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Joint Resolution No. 3 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION No. 3,

Relative to the grape growing interests of California.

WHEREAS, By the repeal of paragraph 265 of the act of Congress of July 24th, 1897, grapes imported to the United States from Spain would be placed upon the free list, and thereby come into direct competition with grapes grown in California, and would thereby work an irreparable injury to the grape growers of the State of California; and

WHEREAS, All tariff hearings, before the ways and means committee of Congress, have closed; and

WHEREAS, The grape growers of the State of California were not given an opportunity for a full hearing before the said ways and means committee in support of the grape interests of the State of California; and

WHEREAS, The grape growing interests of the State of California are of such magni-

tude as to warrant a full hearing before the ways and means committee, in relation to the injuries that would be imposed upon the people of the State of California, if the grapes grown in Spain were placed upon the free list; and

WHEREAS, The best interests of the State of California would be conserved by the retention of the present tariff tax upon the grapes imported to the United States from Spain; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, concurring jointly. That we request, urge and petition the Senators and the Congressmen of the State of California to use every honorable effort to have the ways and means committee of Congress reopen the tariff revision hearing, in so far as it relates to the said Section 265 of the Act of July 24th, 1897, and that the said committee be asked to set a day certain for the presentation to it of facts and arguments by representatives of the grape growing interests of the State of California; and be it further

Resolved, That a copy of this resolution be immediately telegraphed to both Senators from California, and also to Hon. J. C. Needham, with the request that he furnish a copy of such telegram to each of the other Congressmen from the State of California.

Joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Assembly Joint Resolution No. 3 ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

On motion of Senator Willis, Senate Bill No. 35 was temporarily passed on file, to retain its place.

Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justice's Courts and Justices of the Peace.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Campbell, Curtin, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

On motion of Senator Willis, Senate Bill No. 88 was temporarily passed on file, to retain its place.

Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Also: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 47 and 51 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Burnett, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Curtin, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 307 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310—An Act making an appropriation to pay the

deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Riley, Rush, Sanford, Thompson, Walker, Welch, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Rush, Thompson, Walker, Welch, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Rush, Sanford, Stetson, Thompson, Welch, Willis, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory

for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Curtin, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Stetson, Thompson, Walker, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At twelve o'clock and fifteen minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, January 22, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Rev. Father Michael J. Carey.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 21, 1909, the further reading was dispensed with, on motion of Senator Boynton.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cutten, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert Swan of Humboldt County.

LEAVES OF ABSENCE.

Senator McCartney was, on motion of Senator Miller, granted leave of absence until Monday, January 25, 1909.

Senator Reily was, on motion of Senator Anthony, granted leave of absence until Monday, January 25, 1909.

PETITION.

The following petition was presented by Senator Welch, and ordered printed in the Journal:

HON. RICHARD J. WELCH.

SAN FRANCISCO, CAL., January 14, 1909.

DEAR SIR: We, the undersigned voters of your senatorial district, petition you to give your support and vote for the "Anti-Racetrack Gambling Bill," introduced by Senator G. A. Walker of East San Jose. Racetrack gambling is one of the worst evils affecting the morals of this community. We believe if the honest and right thinking men in the State Legislature will stay with this bill it will become a law.

Dittman Art Co., H. C. Davis, Geo. Fuller, W. R. Davis, Thomas Finnerty, H. E. Knudsen, and R. A. Ibach.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Also: Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

Also: Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

Also: Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 54, 296, 151, and 468 ordered on file for second reading.

Senate Concurrent Resolution No. 1 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 315—An Act to amend Section 4013 of the Political Code of the State of California, relating to county officers.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Have had the same under consideration, and respectfully report the same back with the recommendation that they be re-referred to Committee on County Government.

WILLIS, Chairman.

Senate Bills Nos. 315 and 314 ordered referred to Committee on County Government.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 57—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause"—have had the same under consideration, and respectfully report the same back with the recommendation that the same do not pass.

WILLIS, Chairman."

MINORITY REPORT OF COMMITTEE ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 22, 1909.

MR. PRESIDENT: A minority of your Committee on Judiciary, to whom was referred Senate Bill No. 57—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent, stating the name of the person, firm, corporation or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause"—respectfully recommend that it do pass.

CARTWRIGHT,

MILLER,

CAMINETTI,

CAMPBELL,

Minority of Committee.

Senate Bill No. 57 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905—have had the same under consideration, and respectfully report the same back with the recommendation that the same be referred to Committee on Municipal Corporations.

WILLIS, Chairman.

Senate Bill No. 467 ordered referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof relating to pawnbrokers.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen: and to repeal section thirty-seven hundred and

seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled, "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 264, 343 and 15 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

PRICE, Chairman.

Senate Bill No. 98 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 79—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the Manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 123—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be re-referred to the Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 79, 102, 177 and 123 ordered referred to Committee on Finance.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred the following resolution by Senator Caminetti:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have since the first day of January, 1909, made a material advance in freight rates from Eastern points to and from all points in the State of California:

WHEREAS, Such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars:

WHEREAS, Such new rates are unjust and unreasonable, in view of the fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments:

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase and have organized with the object in view of securing relief from the burden imposed thereby:

WHEREAS, The consumers of the State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate. That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchant, the shipper, the producer, the consumer and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commission, embodying the attitude of the people of California on the subject and asserting their rights to relief from the unjust burden so as aforesaid placed on all material interests of California and her people: be it further

Resolved. That said committee shall have power to summon witnesses and to send for persons and papers; also to issue subpoenas when necessary: be it further

Resolved. That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

Have had the same under consideration, and respectfully report the same back without recommendation.

BURNETT, Chairman.

SPECIAL ORDER SET.

Senator Caminetti moved that the consideration of the above resolution be made a special order, immediately following the special order heretofore set for eleven o'clock of this day.

Motion carried.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 21, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 6—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer—and report that the same has been correctly enrolled, and presented the same to the Governor on this 21st day of January, 1909, at four o'clock P. M.

STROBRIDGE, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Joint Resolution No. 8—Relative to a joint resolution to the United States Board of Engineers and Harbors, petitioning said board to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

WRIGHT, Chairman.

Senate Joint Resolution No. 8 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Boynton: Senate Bill No. 368—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 569—An Act to reimburse the University of California for money advanced for the use of the University Farm and Agricultural School.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 570—An Act to add a new section to the Political Code, to be known as Section 1197c thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Willis: Senate Bill No. 571—An Act to amend the Civil Code of the State of California by adding thereto a new section to be known as Section 231, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 572—An Act to amend Section 758 of the Political Code of California, relating to salaries of the clerk of District Court of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 573—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator McCartney: Senate Bill No. 574—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 575—An Act to amend section fourteen hundred and thirty of the Penal Code of California, relating to trial by jury before a Justices' Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court, and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 577—An Act in relation to the intersections and crossings of the tracks and roadbeds of railroads laid in, across, or upon any public highway in this State.

Bill read first time, and referred to Committee on Corporations.

By Senator Anthony (by request): Senate Bill No. 578—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers and compensation; providing for a secretary and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing for a course of procedure where any person, firm, association, corporation, or society has received, held, distributed or disposed of or is receiving, holding, distributing or disposing of the trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given or bequeathed for the relief of any sufferers from any earthquake, conflagration or other disasters; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 579—An Act to define and punish bribery and offers to bribe.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 580—An Act to provide for a school of library training.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 582—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six and five hundred of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 585—An Act to amend Sections 654, 684 and 685 of the Political Code, relating to the Board of Examiners.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Senate Bill No. 35 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Senate Bill No. 88 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

SENATE JOINT RESOLUTION NO. 3.

Relative to transportation rates and urging our Representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

WHEREAS, The transcontinental lines have put into effect advances in freight rates between California points and the east and vice versa; and

WHEREAS, These advances will place a burden upon manufacturers, merchants and producers to an extent approximating upwards of \$10,000,000 per year; and

WHEREAS, In view of the statements made by the transcontinental railroads showing increased net earnings; and

WHEREAS, Various protests have been filed with the said transcontinental lines, prior to the going into effect of the said advances in freight rates; and

WHEREAS, The California Traffic Association and others are presenting the matter to the Interstate Commerce Commission as to the reasonableness of the rates now in effect; and

WHEREAS, There are now before the Congress of the United States several measures looking to the enlargement of the powers of the Interstate Commerce Commission so that it will be in a position to review any proposed advances in freight rates before the same go into effect; and

WHEREAS, In a report to President-elect Taft, issued by the then special Panama Railroad Commissioner Joseph L. Bristow, it was recommended that the United States Government establish a line of steamers on the Pacific Ocean to connect with the railroad across the Isthmus of Panama owned by the United States Government, and the line of steamers on the Atlantic Ocean owned by the United States Government; and

WHEREAS, In the said report the Hon. Joseph L. Bristow especially charges that the Pacific Mail Steamship Company is dominated and controlled by the transcontinental lines, and therefore does not solicit through business via the Panama line; therefore, be it

Resolved, by the Senate of the State of California, and the Assembly, jointly. That we request the Interstate Commerce Commission to consider the protests made against the advances in freight rates at as early a date as possible and thus relieve the manufacturers, merchants and producers of our State from the increased burden placed upon them; and be it further

Resolved, That we request the Congress of the United States to speedily give consideration to the report of the Honorable Joseph L. Bristow, special Panama Railroad Commissioner, as submitted by him to President-elect Taft, and that we recommend the speedy establishment of the line at as early a date as possible, in order that relief may be afforded to the manufacturers, merchants and producers of this State; and

Resolved, That we denounce the arrangement made by the Pacific Mail Steamship Company with the transcontinental lines whereby they have never solicited any of this through business, and urge our representatives in Congress and in the United States Senate to give this matter their immediate time and attention; and be it further

Resolved, That we urge our Representatives in Congress to use every effort for the furthering of the measures granting increased powers to the Interstate Commerce Commission, and particularly those measures relating to giving it the power to pass upon the reasonableness of rates prior to the taking effect of any proposed advance.

Senate joint resolution read.

During the reading of the joint resolution, the following amendments were submitted by committee:

On page 1, lines 5 and 6 of the printed bill, strike out the words "approximating upwards of," and insert in lieu thereof the words "estimated to approximate."

Amendment adopted.

Also:

On page 2, line 46 of the printed bill, after the word "lines," insert "as alleged in such report of Honorable Joseph L. Bristow."

Amendment adopted.

Senate Joint Resolution No. 3 ordered to print and engrossment.

Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

SENATE JOINT RESOLUTION No. 5,

Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

WHEREAS, There is pending in the Congress of the United States a bill appropriating the sum of one million thirty-seven thousand and four hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for improving the entrance to Humboldt Bay, California, in accordance with the project reported in House document numbered nine hundred and fifty, sixtieth Congress, first session; therefore, be it

Resolved by the Senate, the Assembly concurring. That our Senators in Congress be instructed and our Members in Congress be requested to use all honorable means to secure the prompt passage by Congress of the bill referred to in the preamble of this resolution.

Senate joint resolution read.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Senate Joint Resolution No. 5 ordered engrossed and transmitted to the Assembly.

CONSIDERATION OF CONCURRENT RESOLUTION (OUT OF ORDER)

Senator Roseberry asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 1 taken up for immediate consideration.

Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

Senate concurrent resolution read on previous day.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, and Wright—31.

NOES—None.

Senate Concurrent Resolution No. 1 ordered engrossed and transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 8 taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 8,

Relative to a joint resolution to the United States Board of Engineers for Rivers and Harbors petitioning said board to reconsider its action on the report of Captain Amos A. Fries, dated December 17th, 1907, relative to the dredging of the channel in San Pedro Harbor, California.

WHEREAS, Congress of the United States has heretofore appropriated money for the dredging of a channel in and from San Pedro Harbor and for other purposes in connection therewith; and

WHEREAS, Work has been progressing at said place under the direction of Captain Amos A. Fries; and

WHEREAS, Said Captain Amos A. Fries has recommended to the said board of engineers for rivers and harbors the expenditure of a portion of said appropriated moneys for the dredging of a channel 200 feet wide in a northeasterly direction from the northeasterly side of the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War July 29th, 1908, under the authority of a joint resolution of Congress approved March 26th, 1908; and

WHEREAS, The Consolidated Lumber Company, a corporation, which controls about fifty acres along the northeasterly bank of the Wilmington Lagoon commenced on the 18th day of November, 1908, to dredge a channel, at its own cost, 200 feet wide and about 3500 feet long, with a depth of 18 feet at mean low water with a turning basin at the head of said channel, and has dedicated the ground for said channel to the United States Government; therefore, be it

Resolved by the Senate and Assembly, jointly. That the United States Board of Engineers for rivers and harbors reconsider its action on the report of Captain Amos A. Fries, dated December 17th, 1907, and that said board direct the dredging of a channel 200 feet wide in a northeasterly direction from the northeasterly side of the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29th, 1908, under authority of a joint resolution of Congress approved March 26th, 1908, in order that the main harbor at San Pedro will be connected with the channel and turning basin now being dredged by the said Consolidated Lumber Company, in order that the present class of vessels coming into San Pedro harbor may proceed to said turning basin and thus approach two miles nearer to the city of Los Angeles, California.

Senate joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Rosberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Joint Resolution No. 8 ordered engrossed and transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books, and providing for free text-books.

On motion of Senator Estudillo, Senate Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof which have been lost, injured, mutilated, or destroyed by conflagration, or other public calamity, or for the establishment or proof of births, marriages or deaths occurring at periods when there existed no statutes in this State for the registration of the same.

During second reading of bill, the following amendment was submitted by committee:

On page four, strike out the whole of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations.

During second reading of bill, the following amendments were submitted by committee:

On page one, amend title of printed bill by adding the word "Viticultural," after the word "Agricultural."

Amendment adopted.

Also:

On page one of the printed bill, immediately following the words "Title XXI," after the word "Agricultural," insert "Viticultural."

Amendment adopted.

Also:

On page one, line 14 of the printed bill, add the word "viticultural" after the word "agricultural."

Amendment adopted.

Also:

On page one, line 14 of the printed bill, strike out the word "both," and insert the word "all."

Amendment adopted.

Also:

On page four, line 98 of the printed bill, insert the word "equitably" before the word "appraise."

Amendment adopted.

Also:

On page four, lines 99 and 100 of the printed bill, strike out the words "which appraisal shall be final."

Amendment adopted.

Also:

On page four, strike out Section 5, being all of lines 110 to 115, inclusive, and insert in lieu thereof the following:

"5. The number and qualifications of members of the association and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest, and providing for the purchase of such interest by the association upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the association."

Amendment adopted.

Also:

On page four, line 123 of the printed bill, strike out the word "Natural."

Amendment adopted.

Also:

On page four, line 124 of the printed bill, strike out the word "other."

Amendment adopted.

Also:

On page five, line 126 of the printed bill, strike out the word "interest," and insert the word "membership."

Amendment adopted.

Also:

On page five of the printed bill, strike out of lines 131 and 132 the words "and shares of stock of and membership in other corporations," and insert in lieu thereof the following: "and to acquire by purchase or otherwise the interest of any member in the property of the association."

Amendment adopted.

Also:

Strike out of line 135, same page of the printed bill, the words "person or," and insert in same line after the word "other" the word "coöperative."

Amendment adopted.

Also:

Strike out of line 139, same page, the word "motion," and insert in lieu thereof the word "resolution."

Amendment adopted.

Also:

Strike out of line 143, same page, the words "person or," and insert in same line after the word "other" the word "coöperative."

Amendment adopted.

Also:

On page five, line 145, insert the word "coöperative" before the word "corporations."

Amendment adopted.

Also:

Strike out of line 146, same page, the word "motions," and insert in lieu thereof the word "resolutions."

Amendment adopted.

Also:

In line 151, same page, insert the word "and" after the word "means," and strike out comma, and also strike out of lines 151 and 152, same page, the words "and the same person or persons, corporation or corporations."

Amendment adopted.

Also:

On page six, line 176, strike out the words "by suit."

Amendment adopted.

And:

On page six, strike out the whole of "Section 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

On motion of Senator Willis, Senate Bill No. 180 was temporarily passed on file, to retain its place.

Senate Bill No. 243—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month, to be paid into the "Law Library Fund," designated in section forty-one hundred and ninety of the Political Code, as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used.

During second reading of bill, the following amendments were submitted by committee:

Strike out the title and insert in lieu thereof the following title:

"An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one *a*, relating to the Law Library Fund."

Amendment adopted.

Also:

After the enacting clause insert the following:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered 4221*a*, to read as follows:
4221*a*.

Amendment adopted.

Also:

Strike out the words "Section 1" in line 1, page 1 of the printed bill.

Amendment adopted.

Also:

On page 1, line 4 of the printed bill, after the word "for" insert the words "by law."

Amendment adopted.

And:

On page 1, lines 7 and 8 of the printed bill, strike out the words "the Political Code as amended in nineteen hundred and seven," and insert in lieu thereof the words "of this Code."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University.

During second reading of bill, the following amendments were submitted by committee:

Amend the title, in line 5, after the word "University," by adding the following: "or the Department of Jurisprudence of the University of California."

Amendment adopted.

Also:

On page one, Section 1, line 5, after the word "University" insert the following: "or the Department of Jurisprudence of the University of California."

Amendment adopted.

And:

On page one, Section 1, line 7, after the word "law" insert the following: "or the Department of Jurisprudence."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such district, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195, of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

During second reading of bill, the following amendments were submitted by committee:

On page three, Section 5, after line 26, insert the words:

"5. To permit any religious or missionary corporation or society to erect a building on the grounds of any State hospital for the holding of religious services, said building when erected to become the property of the State and to be used exclusively for the benefit of the inmates and employees of such State hospital and subject to such regulations and conditions as may be determined or imposed by said commission."

Amendment adopted.

Also:

On page fourteen, Section 15, line 31, strike out the word "parent."

Amendment adopted.

Also:

On page seventeen, Section 16, line 14, strike out the word "persons," and insert in lieu thereof the following: "person."

Amendment adopted.

Also:

On page twenty, Section 16, lines 147 and 148, strike out the words "Statement of facts by medical examiners (Exhibit 'A')."

Amendment adopted.

And:

On page twenty-seven, Section 24, lines 76 and 77, strike out the words "subdivisions one, two, three and six of."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Senate Bill No. 130 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Senate Bill No. 131 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Senate Bill No. 132 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Senate Bill No. 110 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Senate Bill No. 471 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

During second reading of bill, the following amendments were submitted by committee:

On page one, Section 1, lines 5, 6, and 7, strike out the words "by a fine of not less than one thousand dollars and not exceeding five thousand dollars or."

Amendment adopted.

Also:

On page one, Section 1, line 8, strike out the words "and not," and insert in lieu thereof the word "nor."

Amendment adopted.

Also:

On page one, Section 1, line 8, strike out the comma after the word "years" and all the rest of the section, and insert in lieu thereof a period.

Amendment adopted.

And:

On page one, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction works at said hospital, and making an appropriation therefor.

Senate Bill No. 8 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out section one (1), and inserting in lieu thereof the following:
SECTION 1. Section two of an Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes, is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Senate Bill No. 238 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 160—An Act to establish a bird and arbor day.

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the

Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. MacKenzie, Chief Engineer; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers, the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

During second reading of bill, the following amendments were submitted by committee:

On page one, Section 1, line 3, strike out the words "until expended," and insert in lieu thereof the following: "January 1, 1910."

Amendment adopted.

And:

On page two, strike out all of Section 6.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILL.

Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers' and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

SENATOR STETSON IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator Stetson of the Fifteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the following resolution, by Senator Caminetti:

WHEREAS, Wells, Fargo & Co.'s Express, now engaged as a common carrier of interstate and other commerce, has lately made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

WHEREAS, It is alleged that a combination limiting territory and for the maintenance of rates exists between the various express companies of the United States

whereby the express business of the Pacific Slope is to be carried by Wells, Fargo & Co.; and

WHEREAS, It is alleged that some of the transcontinental railroads are also interested in said combination, and are aiding same by special privileges; and

WHEREAS, Such combination if any exists is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance in such express rates with the relation to the reasons therefor, the effect thereof on the merchant, the shipper, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in such investigation.

The same was taken up for consideration.

Resolution read, and ordered referred to Committee on Federal Relations.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the following resolution by Senator Caminetti:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have since the first day of January, 1909, made a material advance in freight rates from Eastern points to and from all points in the State of California;

WHEREAS, Such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars;

WHEREAS, Such new rates are unjust and unreasonable, in view of the fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase, and have organized with the object in view of securing relief from the burden imposed thereby;

WHEREAS, The consumers of the State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchant, the shipper, the producer, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commission, embodying the attitude of the people of California on the subject, and asserting their rights to relief from the unjust burden so as aforesaid placed on all material interests of California and her people; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

The same was taken up for consideration.

Resolution read.

MOTION.

Senator Caminetti moved to amend the above resolution:

By inserting the word "Commerce" between the words "Interstate" and "Commission," in line twenty-three thereof.

Amendment adopted.

Resolution ordered re-referred to Committee on Federal Relations.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned until Monday, January 25, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 25, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kenney, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 22, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By the President:

SAN FRANCISCO, CAL., January, 21, 1909.

*To His Excellency Lieutenant-Governor W. R. PORTER,
President of the Senate of the Legislature of the State of California:*

Inclosed please find resolution, with the request that the same be brought to the notice of the Senate.

Respectfully submitted.

F. W. DOHRMANN,
Chairman of the Commercial Commission of the Chambers
of Commerce of the Pacific Coast that visited Japan.

SAN FRANCISCO, CAL., January 21, 1909.

*To the Honorable President and Members of the Senate
of the Legislature of the State of California:*

We of the Commercial Commission of the Chambers of Commerce who recently visited Japan, beg leave to protest against the passage of certain anti-Japanese legislation now pending before your honorable body, and as forcibly as possible to direct your attention to President Roosevelt's letter of January 16, 1909, to Governor Gillett, regarding said proposed legislation.

During our visit to Japan we paid particular attention to the question of Japanese emigration and from what we ascertained we are strongly of the opinion that the Emperor and the government officials in Japan are acting in absolute good faith regarding the restriction of Japanese immigration to the United States.

We firmly believe that any action by the Legislature which is directed at the Japanese residents of this State will be taken as an affront by the entire Japanese nation.

The Oriental trade passing through the ports of this State has assumed large proportions, and is likely to be seriously crippled by such proposed action.

We, therefore, respectfully request that action on any of these bills which affect the Japanese people be deferred indefinitely as being unwise and injudicious.

Most respectfully submitted.

WALLACE M. ALEXANDER.
F. W. DOHRMANN.
M. GREENEBAUM.
P. B. HALE.
E. L. HUNTER.
HENRY MICHAELS.
MAX SCHMIDT.
JAMES B. STETSON.

Also:

SAN FRANCISCO, CAL., January 22, 1909.

To the Senators, Thirty-eighth Session, California Legislature:

GENTLEMEN: Pursuant to instructions of the Ninth Annual Convention of the California State Federation of Labor, held at San Jose, October 5-9, 1909, I am submitting to you the following resolution:

"WHEREAS, In the language of President Samuel Gompers, it is absolutely dangerous to all our interests, and to our progress, that the workers should be required to toil more than six days in the week; and

WHEREAS, Man is so constituted that he can do more and better work with one day out of seven for rest; and

"WHEREAS, Americans have fewer holidays than any other civilized nation; therefore,

"Resolved, First, that we favor a six-day week as well as an eight-hour day for labor.

"Second, that we request the next California Legislature to enact an effective statute that will provide a weekly rest day for every worker, not as a privilege but as a natural right.

"Third, that this resolution be sent by our secretary to the clerk of both houses of the Legislature, and also be given to the public press.

Trusting the bill now before your honorable body to accomplish the above will be given favorable consideration, I beg to remain,

Sincerely yours,

GEO. W. BELL,

Secretary-Treasurer California State Federation of Labor.

By Senator Roseberry:

To the Legislature of the State of California:

GENTLEMEN: While gratefully recognizing the wise and generous provision made in the laws of this State for the establishment and maintenance of free public libraries, the undersigned petitioners would respectfully call the attention of your honorable body to the fact that museums of natural and historic objects are left wholly unprovided for. In quite a number of cities in California these museums have been established through the gifts of public spirited men and women, are housed in unsafe and incommensurate buildings, and maintained by the painstaking efforts and persevering sacrifice of a few who realize their permanent educational value.

We confidently appeal to your honorable body, which has always provided generously in the interests of education, to place free public museums of natural and historic objects on the same basis as public libraries so far as may be practicable, and to put it within the power of county boards of supervisors, city councils, boards of trustees and other legislative bodies to levy a reasonable tax for their support. We do not ask State aid.

Dated, Santa Barbara, California, January 12, A. D. 1909.

H. A. Adrain, E. E. Washburn, Frank S. Van Den Bergh, C. C. Newman, T. R. Dawe, Mark Bradley, Guernsey S. Brown, Walter A. Hawley, F. M. Whitney, Frank J. Maguire, Thomas B. Lee, E. P. Newman, James A. Dodge, W. L. Hunt, Thos. R. Bennett, Thos. G. Eilers, J. L. Hurlbut, E. P. Stevens, Henry Dawe, Jas. D. Lowsley, Alphonse Crane, Henry P. Lincoln, G. A. Black, S. C. Pinkham, H. C. Williams, N. H. Reed, W. H. Diehl, Frank Smith, P. B. Yates, Harry Smith, H. F. R. Vail, W. B. Metcalf, Leon Levy, John S. Ewing, Phil. Weidman, L. H. Brown, Clair Lawton, Scientist, Philip J. Burton, H. C. McCandless, J. S. Weiley, Thos. Dawe, E. F. Rodenbeck, J. A. Walton, A. M. Ruiz, J. H. Burson, Frederic S. Gould, C. H. Cronise, Crane & Fairbanks, J. T. Crane, Geo. H. A. Phillips, Burt Moore, C. E. Bigelow, Thos. Nixon, C. J. Gulek, H. J. Finger, C. W. Merritt, A. H. Marsh, C. A. Thompson, C. W. Rasey, E. A. Boeseke, M. V. Lehner, Fanny Cooper, W. R. H. Weldon, Dr. C. S. Stoddard, Quarantine Officer Santa Barbara, Harold Sidebotham, G. D. Hindley, C. H. Frink, H. C. Sweetser, S. B. Schauer, W. D. More, J. N. Hiller, S. Nicholas, S. B. P. Knox, H. S. Gane, Louis Spader, Z. A. Lear, William L. Holt, M. D., H. G. Chase.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed the following: Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Assembly Bill No. 61—An Act to provide four (4) additional Judges of the Superior Court of the City and County of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Also: Assembly Bill No. 19—An Act to add a new section to the Code of Civil Procedure relating to juries, to be known and numbered as section six hundred and five.

Also: Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code relating to reclamation districts, the warrants thereof, the payments of assessments with warrants, extension of warrants and the commencement of actions thereon.

Also: Assembly Bill No. 295—An Act to add a new section to the Political Code to be numbered forty-two hundred and fifty *a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Also: Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

And respectfully ask your consideration of the same.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk

Assembly Bills Nos. 42, 61, 19, and 295, read first time, and referred to Committee on Judiciary.

Assembly Bill No. 232 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 155 read first time, and referred to Committee on Municipal Corporations.

RESOLUTIONS.

By Senator Estudillo:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant at-Arms of the Senate for the sum of \$1,067.25 in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

R. M. Richardson	\$3 00
Pacific Telegraph and Telephone Company	5 05
Kane & Trainor Ice Company	28 00
A. S. Hawk	2 50
F. R. Pulford	84 85
Frank H. Veach	18 50
Wm. Carragher	3 75
John Breuner Company	271 95
Willis & Martin Company	3 75
Whisky Hill Water Company	39 00
J. L. Martin, incidentals	19 00
H. S. Crocker Company	446 00
Scott, Lyman & Stack	132 90
Hale Brothers	9 00

\$1,067 25

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Kennedy:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Welch:

Resolved, That the following extra employees be paid the amounts set opposite their names for work performed:

C. J. Sykes, 10 days at \$3.00	\$30 00
Jas. R. Wells, 6 days at \$3.00	18 00
Geo. W. Johnson, 2 days at \$3.00	6 00
C. Rubenstein, 1 day at \$3.00	3 00
A. Churchill, 2 days at \$3.00	6 00
G. A. Baker, 1 day at \$3.00	3 00
Total	\$66 00

The Controller is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate, payable out of the contingent fund, for the amount of \$66.00 to pay the above, and the Treasurer is authorized to pay the same.

Also:

Resolved, That the name of Abe Davis be stricken from the roll of attachés as Watchman at \$3 per day and the name of James Dennigan be placed on the roll as Porter at \$3 per day.

Resolutions read.

Senator Price moved the adoption of the resolutions offered by Senator Welch.

Motion duly seconded.

The question being on the adoption of the resolutions.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Whereupon the President ordered the substitution made, and declared the above named person had been elected.

BILL RECALLED FROM COMMITTEE.

Senator Price moved that Senate Bill No. 581 be recalled from Committee on Judiciary and referred to Committee on Finance.

Motion duly seconded, and carried.

Senate Bill No. 581 ordered referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons

Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class, and providing for their compensation.

Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes

Senate Bill No. 253—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure of the State of California.

Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Senate Bill No. 186—An Act to amend section thirty-four hundred and ninety-four of the Political Code of the State of California, relating to the price, and terms of sale of school lands.

Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section six hundred twenty-five of said Code of Civil Procedure, relating to verdicts of juries.

Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Senate Bill No. 333—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks' officers' and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Senate Bill No. 178—An Act to amend section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes approved March 31, 1897."

Senate Bill No. 273—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State school at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the department of engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the restraint of mining debris, the construction of certain works necessary and incident to the restraint thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 104, 78, 187, 253, 206, 186, 301, 300, 9, 259, 333, 178, 273, 473, and 58 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the Board of Trustees the appointment of a Board of Trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Also: Senate Bill No. 445—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to the Committee on Public Buildings and Grounds.

LEAVITT, Chairman.

Senate Bills Nos. 12, 22, 234, and 345 ordered referred to Committee on Public Buildings and Grounds.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510 and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 198, 352, 450, and 453 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Estudillo: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hartman: Senate Bill No. 589—An Act authorizing the payment of pensions by the State of California, to certain fathers and mothers, being citizens of the United States and residents of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Savage: Senate Bill No. 591—An Act to prevent usury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 592—An Act establishing a legal rate of interest; prohibiting the taking of greater interest and providing that persons paying greater interest may recover same within one year; providing when district attorney may recover excess; declaring contracts for greater sums void; compelling offenders to answer bills of discovery; exonerating from further penalty after discovery and return of excess; exempting parties filing bill in chancery after discovery from depositing the principal sum or interest; providing how months and days are to be considered in casting interest, and providing that interest shall be calculated by the year when no time for that purpose is stated.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 594—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State and to repeal all Acts and parts of Acts in conflict with this Act."

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller and Board of Examiners in connection therewith.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 598—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 599—An Act to amend section four hundred and thirty-five of the Political Code, relating to the duties of the State Controller.

Bill read first time, and referred to Committee on Banking.

By Senator Martinelli: Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

Bill read first time, and referred to Committee on Prisons and Reformatories.

RUSH ORDER TO PRINTER.

On motion of Senator Martinelli the Secretary was directed to issue a rush order for printing Senate Bill No. 600.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Martinelli: Senate Bill No. 601—An Act making an appropriation to reimburse the county of Marin for the support of orphans, half orphans and abandoned children in 1904.

Bill read first time, and referred to Committee on Finance.

By Senator Black: Senate Bill No. 602—An Act to add a new section to the Penal Code, to be known as "Section 172a," relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors within one and one half miles of the university grounds of Leland Stanford Junior University in Santa Clara County.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 603—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 604—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutten: Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 607—An Act to amend Section 1327 of the Code of Civil Procedure of California, relating to the contest of wills or the probate thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 608—An Act to amend section sixteen hundred and seventy-eight of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 609—An Act to amend section four hundred and twenty-two of the Code of Civil Procedure of California, relating to cross-complaints.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 610—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates or homesteads or community property in certain cases and joint tenancies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 611—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 612—An Act to amend Section 1454 of the Code of Civil Procedure of California, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 613—An Act to amend sections fourteen hundred and ninety, fourteen hundred and ninety-three, fourteen hundred and ninety-four, fourteen hundred and ninety-five, fourteen hundred and ninety-six and fifteen hundred and four, of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 614—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 615—An Act to amend section nineteen hundred and ninety-one of the Code of Civil Procedure of California, providing for the punishment of a witness who disobeys his subpoena, or who refuses to be sworn, or to answer questions, or to subscribe an affidavit or deposition when required.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 616—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in appellate courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 617—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 619—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 621—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California relating to notice of trial or hearing thereof in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 623—An Act to amend Section 607 of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 624—An Act to define personal property brokers and regulate their charge and business.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 625—An Act to amend an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests and devises, to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Wright: Senate Bill No. 626—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places without municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Weed: Senate Bill No. 627—An Act appropriating money for a state highway from Alturas to New Pine Creek.

Bill read first time, and referred to Committee on Finance.

By Senator Burnett: Senate Bill 628—An Act to provide for the establishment, maintenance and control of a sanatorium for the treatment of tuberculosis and making appropriation therefore.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Holohan: Senate Bill No. 629—An Act to amend Sections 1465, 1474, and 1475, of the Code of Civil Procedure, all relating to the homesteads of deceased persons and the support of their families.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 630—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.'"

Bill read first time, and referred to Committee on Education.

By Senator Bills: Senate Bill, No. 631—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprieving of such person.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wolfe: Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act

defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Hurd: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Lewis: Senate Bill No. 639—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 640—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Cullen: Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Caminetti: Senate Bill No. 642—An Act to divide the State of California into fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV

thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

Senate constitutional amendment referred to Committee on Roads and Highways.

By Senator Wright (by request): Senate Bill No. 643—An Act to provide for the issuance and sale of State bonds to create a fund for the purpose of making a safe and suitable harbor in the city and county of San Francisco, in India Basin and the Tidal Basin contiguous thereto, north of said India Basin, and extending therefrom to Islais Creek, in in said city and county, by dredging said basins and constructing in and about the same wharves, docks, piers, bulkheads, approaches and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Judiciary.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following: Assembly Bill No. 63—An Act to add a new section to the Penal Code, to be known as Section 337a thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

CLIO LLOYD, Chief Clerk.
By L. B. MALLORY, Assistant.

Assembly Bill No. 63 read first time, and referred to Committee on Public Morals.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford as a special committee of one, to amend as follows: .

By striking out of Section 1, line 6, the word "by" and inserting in lieu thereof the word "to."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 104, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee and amendment adopted.
Senate Bill No. 104 ordered to print and reëngrossment.

Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 67*a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class (Los Angeles County), and providing for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—34.

NOES—Senators Campbell and Holohan—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and fifteen minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—RESUMED.

Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Thompson as a special committee of one, to amend as follows:

By striking out of Section 1, lines 62 and 63 of the amended bill, the words "of one dollar and twenty-five cents per acre."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 187, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee and amendment adopted.

Senate Bill No. 187 ordered to print and reëngrossment.

Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

On motion of Senator Willis, Senate Bill No. 35 was temporarily passed on file, to retain its place.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

On motion of Senator Willis, Senate Bill No. 88 was temporarily passed on file, to retain its place.

Senate Bill No. 186—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 186 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 301 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 300 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Price, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 26, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 25, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Miller, granted leave of absence for this day.

QUESTION OF PERSONAL PRIVILEGE.

Senator Savage arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: I hold in my hand a copy of the Los Angeles Express, dated January 23, 1909, headed "Majority in favor of the racetrack." In this article I am reported as being in favor of the racetrack. The fetus, who is the author of the article is named E. A. Dickson, a low, contemptible cur, who was born with a lie in his mouth and who has never been able to tell the truth. The paper is edited by Sissie Earl of Los Angeles, known

throughout the State of California as "Rebate Earl," who robbed the fruit growers of California.

Should this contemptible pup repeat any like insult to me, the Senate Chamber of the State of California will be too small to hold both of us.

APPROVAL OF THE JOURNALS.

The Journals of Thursday, January 14th, Friday, January 15th, and Monday, January 18, 1909, having been corrected, were read and approved.

PETITION.

The following petition was presented by the President of the Senate, and ordered printed in the Journal:

To the Senate and Assembly in the Legislature Assembled:

This memorial of the governors of the Commonwealth Club of California, representing the membership of that club, residing in all parts of the State, and comprising more than five hundred citizens of all shades of political belief, respectfully represents:

The governors of the club have been authorized to urge upon the attention of this Legislature the urgent necessity of reform in our methods of dealing with persons accused of crime, and also in our treatment of those for the first time convicted of crime and sentenced to State prison. Bills dealing with these subjects have been prepared by committees of the club, approved by the governors, introduced in both branches of the Legislature, and are before your honorable bodies.

The record of the discussion of these subjects by the club will be laid upon your desks. The discussion of criminal procedure is the result of the investigations begun more than four years ago—long before the occurrences which have recently drawn so much attention to this subject. In the preparation of the bills the section which prepared them has had the assistance of many experienced attorneys and of trial and appellate judges with long experience in the administration of criminal law. The bills are respectfully submitted as the contribution of the Commonwealth Club towards the solution of one of our gravest social problems.

I. CRIMINAL PROCEDURE.

What it is hoped to accomplish by the enactment of these bills into law is best stated in the report of the section which prepared them, which is as follows:

SAN FRANCISCO, January 16, 1909.

To the Board of Governors of the Commonwealth Club of California:

Your section appointed to consider the matter of reform in criminal procedure makes the following report of its work subsequent to the December meeting of the club.

Since that meeting the section has held many sessions, and devoted considerable time to the preparation of bills to be presented to the Legislature, and in working out the details of the reforms on the principles outlined in our previous report which was read at the above meeting of the club.

The bills which we have proposed are designed to accomplish the following general results:

1. A prompt trial of an accused person on the merits of the case.
2. A prompt judgment in case of a verdict of guilty.
3. A prompt hearing of the case in the appellate court.

To secure these results amendments to the proper codes have been proposed:

1. To make the grand jury an accusatory body purely. We think that a defendant who is indicted for a high crime should seek his vindication before a trial jury and should not be permitted to try the grand jury or the grand jurors who found the indictment. We have provided, however, that when a grand jury is to be drawn and formed, the time and place for such drawing shall be determined and the court shall cause legal notice to be given thereof, and at such time the court shall hear and determine any objections which may be presented by any person to the proceedings on the drawing and impaneling of the grand jury or to the qualifications of such jurors, and the order of the court impaneling such grand jury and determining the qualifications of such jurors shall be final and not subject to review.

2. To enlarge the number of persons who are eligible to jury duty by including citizens who have property in corporations which are assessed, and also those whose wives are on the assessment roll.

3. To get intelligent men on the trial jury by changing the rule that now exclude those who can not testify that they have not read published accounts of the case, by limiting his disqualifications to those cases where the opinion of the juror regarding the guilt or innocence of the accused is based upon personal knowledge of the facts or on statements of those whom the juror believes to have personal knowledge thereof.

4. To repeal the provisions allowing a challenge to the panel of a trial jury. The defendant is given a full opportunity to challenge an individual juror to determine whether he is qualified in fact to sit as a juror, but he is not permitted to try the manner in which the juror has been summoned.

5. To shorten the time for securing a jury for the trial of a case by requiring the court to conduct the examinations of jurors as to their qualifications, with such assistance from counsel in the trial of challenges as the court may permit.

6. To correct an abuse of a right now granted defendant to demand instructions to the jury which tend to confuse rather than to assist them in their deliberations, by providing that counsel may specify the points of law they wish to have covered, but that the charge shall be prepared by, and given as the charge of, the court.

7. To bring a speedy judgment after verdict. We believe that an excellent moral effect will be produced by having a sentence pronounced in a brief time after a verdict of guilty.

We have recommended, therefore, that motions for a new trial shall only be made after judgment is pronounced, and that the motion in arrest of judgment be changed to a motion to set aside the judgment.

8. To hasten the hearing on appeal. We provide that all motions against the judgment in the trial court must be heard and disposed of in twenty (20) days, and unless appeal be taken within five (5) days thereafter the judgment becomes final.

9. To prevent the prosecution of appeals on points not presented to the trial court, by providing what points defendant may specify as a ground for his appeal.

10. To discourage appeals upon grounds which do not affect the substantial merits of the case, by providing that judgment shall not be reversed unless it appears to the court that an affirmance of the judgment would result in a miscarriage of justice.

11. To avoid the greatest cause of delay in the hearing of appeals, by abolishing bills of exceptions and providing that a typewritten transcript of all the testimony and proceedings in the case, properly certified, shall be filed in the appellate court as a part of the record, within thirty (30) days after the time the appeal is taken.

12. To equalize in measure the rights of the people with that of the defendant, by providing for appeals by the people in more substantial form than they enjoy at present; and the people have been given the same number of peremptory challenges to trial jurors as is given the defendant, but to enable the accused to obtain an unbiased jury the number of peremptory challenges has been increased.

To effect the above changes in the law about seventy bills amending, or repealing about one hundred sections of the Code of Civil Procedure and the Penal Code have been prepared. If the above recommendations are approved by the Legislature the trial of cases will undoubtedly be shortened, and much time will be saved in the preparation of the record and the hearing of cases on appeal. The judgment under this plan must be pronounced in five days, and the record on appeal must be filed in the appellate court within sixty days after the verdict. Under the present system it not infrequently occurs that several years elapse between the verdict and the filing of the record on appeal, and the average time is nearly a year.

We believe that what we have proposed is in no way revolutionary, and deprives the accused person of no substantial rights. The amendments proposed are merely designed to make the present law more effective, to relieve the courts from the necessity of considering trivial matters, and to aid in determining more promptly whether a person accused of crime is innocent or guilty.

Respectfully submitted.

SIDNEY V. SMITH.
LESTER H. JACOBS.
JOSEPH H. HUTCHINSON.
ORRIN K. McMURRAY.
ALEX. G. EELLS.
FAIRFAX H. WHEELAN.
BEVERLY L. HODGHEAD.
Chairman.

II. A REFORMATORY FOR FIRST TERMERS.

As our penitentiaries are now administered, the young man who enters them after committing his first serious crime must be considered as permanently enrolled in the army which makes war upon society. Our State prisons are universities of crime, in which neophytes are instructed by past masters of iniquity in the details of every nefarious art. At the end of their term they emerge with the feeling that the practice of crime is their permanent occupation, and that the more desperate the criminal the greater the hero, and the more exalted his position in the hierarchy of the criminal profession. Very few of them ever reform. Nearly all pass their lives in alternations of preying upon society and expiating their offenses in the State prisons.

This is not necessary. It has been proved in other states that the majority of first termers can be permanently reformed and restored to usefulness in society, if they are not permitted to mingle with confirmed criminals, but placed where they are under good influence under indeterminate sentences, and where evidence of genuine reform will procure them their liberty. That being the case, no one can deny the iniquity of our present treatment of first termers. Neither can the financial loss be denied. While the erection and maintenance of a reformatory will involve very substantial expenditure, the saving will be still greater not only in the avoidance of the continual depredations which these men now commit, with the expense of pursuit, trial and subsequent maintenance, but in the gain to society of their useful labor.

Your memorialists are firm in the conviction, not only that commission of crime should involve that speed and certainty of punishment which is the most powerful deterrent of crime, but that of those who in their youth have been led into the criminal paths every soul which it is possible to save shall be reformed and restored to usefulness.

And to this end your memorialists respectfully pray that the bills which the Commonwealth Club has caused to be laid before you may be favorably considered and enacted into law.

III. A TENEMENT HOUSE LAW.

At the last session of the Legislature a bill regulating the construction of buildings intended to be occupied by several families was prepared by committees of the Commonwealth Club and California Club, and passed both branches of the Legislature almost unanimously, but failed to become a law. Substantially the same bill was subsequently enacted as an ordinance by the city and county of San Francisco, and is now in force in that city. The measure has been redrawn for the purpose, if possible, of avoiding any possible objection, and will be laid before you. We trust that it may meet your approval.

Your memorialists also think it proper to say that as the result of much study of the history of the Railroad Commission of California, the members of the club present at a discussion of the subject were generally in favor of radical changes in the commission, such as would require a constitutional amendment. There was no intention, however, to promote any such change, and it was the opinion that at any rate the present commission should be strengthened by new legislation, to which end a committee of the club has cooperated with the Attorney General's office in preparing a bill which is before you.

And your memorialists would further represent that all the foregoing is respectfully submitted in the spirit of good citizenship, and in the hope that the study which the Commonwealth Club has been able to give to these subjects may be helpful in enabling your honorable bodies to reach wise and just conclusions on the subjects thus presented.

For the Commonwealth Club of California,

EDWARD F. ADAMS (President),
C. H. BENTLEY,
E. A. WALCOTT,
ROLLO V. WATT,
O. K. CUSHING,
BEVERLY L. HODGHEAD,
WM. J. DUTTON,
GEO. E. CROTHERS,
JOHN P. YOUNG,

Board of Governors.

COMMUNICATIONS.

The following communications were presented by the President of the Senate, and ordered printed in the Journal:

WASHINGTON, January 20, 1909.

DEAR SIR: I acknowledge receipt of your telegram of January 18th, containing resolution adopted by the Legislature of California, regarding application of the city of San Francisco for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor in the Yosemite National Park.

In reply I beg to state that I have been giving a great deal of time and very careful attention to this matter, and I will continue to do everything in my power to aid the city of San Francisco in obtaining passage of the joint resolution granting privileges desired.

Yours respectfully,

FRANK P. FLINT.

Mr. Lewis A. Hilborn, Secretary of the Senate, Sacramento, California.

WASHINGTON, January 20, 1909.

MR. LEWIS A. HILBORN, *Secretary, State Senate, Sacramento, California.*

DEAR SIR: Your telegram of the 18th, in reference to the joint resolution in favor of the San Francisco project to secure water rights in the Hetch Hetchy Valley received. Replying will say I will take great pleasure in acting in accordance with the resolution.

Yours very truly,

D. E. MCKINLAY.

WASHINGTON, January 21, 1909.

MR. LEWIS A. HILBORN, *Secretary of the Senate, Sacramento, Cal.*

DEAR SIR: I am in receipt of your wire of January 18th, conveying the resolutions adopted by the Legislature relative to the proposed grant of reservoir sites to the city of San Francisco in the Hetch Hetchy and Lake Eleanor valleys. There has been no doubt any of the time but that the committee would report this matter favorably to Congress. There is a strong probability that it will pass if its consideration can be reached at this session.

Yours very truly,

S. C. SMITH.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

Also: Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Also: Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural and horticultural non-profit cooperative associations.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905. (Statutes of 1905, page 777 thereof.)

Also: Senate Bill No. 243—An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one a, relating to the Law Library Fund.

Also: Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University, or the Department of Jurisprudence of the University of California.

Also: Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Also: Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

Also: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Also: Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin

and Feather rivers of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Also: Senate Joint Resolution No. 3—Relative to transportation rates, and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Joint Resolution No. 5 ordered transmitted to the Assembly.
Senate Bills Nos. 85, 233, 29, 121, 243, 65, 40, 205, 285, and 346 ordered on file for third reading.

Senate Joint Resolution No. 3 ordered on file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2—An Act to amend section ten of the Code of Civil Procedure of the State of California so as to add another legal holiday to said section to be known as "Discovery Day."

Also: Assembly Bill No. 3—An Act to amend section ten of the Political Code of the State of California so as to add another legal holiday to said section to be known as "Discovery Day."

Also: Assembly Bill No. 4—An Act to amend section seven of the Civil Code, relating to holidays.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards.

Also: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

CLIO LLOYD, Chief Clerk.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 2, 3, 4, 160, and 184 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 17—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Also: Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Also: Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund and also to provide for payment of interest received into the state school fund.

Also: Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees and creditors during the administration of estates of decedents.

Also: Assembly Bill No. 161—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 512, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.

CLIO LLOYD, Chief Clerk.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 17, 52, 73, 124, 145, 159, and 161 read first time.
 Assembly Bill No. 17 referred to Committee on County Government.
 Assembly Bill No. 52 referred to Committee on Education.
 Assembly Bill No. 73 referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 124 referred to Committee on Judiciary.
 Assembly Bill No. 145 referred to Committee on Education.
 Assembly Bill No. 159 referred to Committee on Judiciary.
 Assembly Bill No. 161 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 191. An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Assembly Bill No. 219. An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Also: Assembly Bill No. 420. An Act to amend Section 791 of the Political Code, relating to the number of notaries public, approved March 18, 1905.

CLIO LLOYD, Chief Clerk,
 By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 191, 219, and 420 read first time.
 Assembly Bill No. 191 referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 219 referred to Committee on Judiciary.
 Assembly Bill No. 420 referred to the San Francisco Delegation.

SPECIAL MESSAGE FROM THE GOVERNOR.

The following special message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
 SACRAMENTO, January 25, 1909.

To the Senate and Assembly of the State of California:

There is certain legislation now pending before you which I believe to be of grave concern, not only to our State but to the nation as well, and which should be most thoughtfully considered before being acted upon.

Ordinarily, I believe that there should be no executive interference with the will of the Legislature, nor any attempts made to influence it in the enactment of laws, because yours is a coördinate branch of the government and the people of this State, by their constitution, have delegated to you the power and authority of enacting those laws which are to govern them, and have vested in the Executive only the power of veto and the right to recommend such matters as he may deem expedient.

The enactment of any law is a grave responsibility, and when you are considering measures which not only affect our own people, but which may affect the policies of the nation and involve it in trouble with a friendly power, then you are called upon to proceed with great caution, to weight carefully every step taken and to do nothing but what your conscience and best judgment dictates, looking not only to the welfare of the State but to the interests of the General Government as well. And it is because I believe that you are now confronted with such a situation that I address this message to you, hoping that I may be able to help you to properly solve those matters to which I shall herein refer, expecting you take such action as will appeal to your own judgment as to what is the right and proper thing to do under all the circumstances, both as it affects the State and nation.

Certain bills have been introduced, some of which have been favorably reported by your committees, indirectly intended to affect the Japanese people at least, such is the impression abroad. These bills have attracted the notice of the whole nation and have caused Japan to call the attention of our Government to them. They have produced an agitation, not only in our own country, but throughout Japan, and the Japanese Minister of Foreign Affairs has stated to the authorities in Washington that if the bills should be passed the Government of Japan would consider it very embarrassing.

Before referring specifically to these bills, I wish to review what has been done between our Government and Japan toward stopping immigration to this country.

Bills were introduced in the 58th and 59th Congress to have the Chinese exclusion laws apply to the Japanese. This resulted in bringing before the State Department in Washington the question of the immigration of Japanese subjects to the United States.

The Japanese Government expressed a desire of settling the question by an agreement to be entered into between the two nations wherein Japan was to undertake that no Japanese laborers, skilled or unskilled, should leave Japan for the United States or for the Islands of Hawaii. In arriving at this agreement, much correspondence passed between the Minister of Foreign Affairs of Japan and Secretary Root, and finally a compact was concluded whereby Japan agreed to prevent certain classes of its citizens, therein named, from immigrating to this country. This agreement between the United States and Japan was mutual, and undoubtedly satisfactory to both nations, and Japan at once commenced to enforce it, and abide by its provisions and is now carrying out its terms.

The correspondence leading up to this agreement was shown to me by Secretary Root one year ago this winter when I was in Washington, and since that time his office has forwarded to me reports showing that the Japanese Government was complying with its part of the contract. The Japanese Foreign Office reports that during December, 1908, one hundred and twenty-six Japanese left Japan for the mainland of the United States, of whom sixty-two were returning emigrants or relatives; and that one hundred and seventy-four Japanese left Japan for Hawaii, of whom one hundred and fifty-one were returning emigrants or relatives. It is further stated in such report that eight hundred and twelve Japanese returned to Japan from the mainland of the United States during December, 1908, of whom seven hundred and fifteen were in the steerage; and that one hundred and ninety-five Japanese returned to Japan from Hawaii, of whom one hundred and ninety-three were in the steerage. In the month of December the Japanese leaving the United States for Japan exceeded those leaving Japan for the United States by six hundred and eighty-six. No laborer of Japan can leave his country without a passport, and, under the agreement with Japan, it will not issue a passport to any laborer to come to Hawaii or the mainland of the United States. Japan claims that it has the matter well in hand, that no Japanese laborers are coming to this country and that many are leaving. On the other hand it is contended that the Japanese population in this State is gradually increasing, but I know of no figures showing this to be true.

To-day the relations existing between the United States and Japan are very friendly. Both are great powers among the nations of the world. Both stand in a position, geographically, to dominate and control the commerce of the Pacific. Acting together, they can dictate the policies which other nations must pursue in the Far East and can preserve the peace there. As friendly allies, many benefits will inure to both nations, and a great commerce can be carried on between them to the advantage of our people; but, as enemies, the commerce of both can be driven from the ocean. Every reason, therefore, exists why there should continue between Japan and our Government the most friendly relations, and it is the expressed wish of each nation that this shall be so. Appreciating this friendship and their community of interests, both nations have attempted amicably to settle by an agreement the question of immigration, and Japan is now endeavoring to carry out its part. If the agreement does not go far enough, that is, if classes other than those enumerated therein should have been included, then our Government should make that fact known to Japan and ask to have them included and present its reasons therefor. If such reasons are good and sufficient, then in all fairness, and with a desire to do what is right, Japan will, no doubt, consent to the request made.

The question of immigration is one that affects the entire nation as well as our State, and is one which the Federal Government can alone settle. It may be settled in two ways: first, by an agreement between the two nations, which has been done, or by legislation passed by Congress, as was done in the case of the Chinese.

If we find out that, notwithstanding Japan's efforts, her coolie labor continues to pour into our State, or those calling themselves agriculturalists are landing upon our shores and settling in our cities, or leasing and purchasing our valuable agricultural lands, and changing white settlements to Japanese, to the detriment of this State and its citizens, then it is our plain duty to call the attention of our Government to the facts, and petition it to take such prompt action as may be proper, and, by an agreement with Japan, or by legislation, if necessary, to remedy conditions. If our complaints are just they will be taken up by Congress and the President and acted upon.

While the settlement of the questions of immigration are pending, we should do no act to embarrass those in authority at Washington, thereby making their task more difficult. We should be very careful about passing any legislation, not absolutely necessary for our immediate protection, intended solely to affect the Japanese people being lawfully among us, because in so doing we make the task which we expect our Government to perform harder to accomplish, and such legislation at the best can only tend to widen the breach between Japan and our country and cause a feeling of misgivings and distrust to exist. We must also remember that no law that this State can enact will stop Japanese immigration. Congress alone is vested

with authority to pass such legislation. And we must also recognize the fact that the Japanese among us are the subjects of a friendly nation and are entitled to the same treatment under our laws and to the same privileges and immunities as are guaranteed to the subjects of the most favored nations. Japan's treaty with our Government guarantees to them this right, and, as citizens of these United States, we must accord it to them. There can not be one law for the subjects of Japan and another one for the citizens of England.

This brings me to a consideration of some of the bills now pending before you and which have already caused much discussion and alarm in both countries.

If you believe the general policy of this State and its future development demands that all aliens, that is, citizens of other countries, should be discouraged in making investments here, and that no alien should be permitted to become the owner in fee simple of any lands within this State, agricultural, grazing or mineral, or of any city property for the purposes of trade, commerce or manufacturing, then enact a law forbidding the same, but see to it that it affects the subjects of all nations alike, and that under its provisions the citizens of Japan shall have equal privileges with those of England and other favored nations; otherwise you might create a situation which may prove to be embarrassing to the Federal Government. Mr. Drew's bill might be so amended, but in its present form it clearly, as no doubt was intended, discriminates against the citizens of China and Japan. Whether any bill should pass at this time which will discourage foreign capital from seeking investments in our State is a most serious question and one not lightly to be considered. But that is a question I leave for you to solve.

Another bill which you have under consideration, and which has been classed as anti-Japanese legislation, is a bill providing that no alien shall be a director in any corporation created under the laws of this State. This bill applies to all aliens as it should if it is to be enacted into law. How many citizens of foreign countries will care to come to California and form corporations for mining, transportation, commerce, manufacturing, banking or any other business, if they can not be directors so as to be able to handle their own money and direct the business in which they engage? What injury is the State now suffering by reason of Japanese directors; or what injury can it suffer by those who may hereafter become directors in a corporation, which will justify a law that no citizen of any foreign country can become a director of a corporation created under the laws of this State, though he may own the controlling interest in it? What public necessity, any way, exists for such a law? It is a very pertinent question, and one which should be most satisfactorily answered by its proponent.

Another measure which is clearly intended to reach the Japanese is one which gives to municipalities the right to set apart certain limits in which "undesirable persons" are to reside. It is not my purpose or desire, however, to discuss the merits of these several bills, or whether or not they should be enacted into laws. It is for you to decide these questions for yourselves and use your best judgment in the matter.

All I desire to do is to call your attention to the fact that the passage of these bills through the Legislature, even though they may never finally become laws, will cause our Federal Government some embarrassment in relation to the agreement it now has with Japan, and its own good faith may be questioned. What we want is to have the question of immigration between these two nations settled amicably, but settled right. Both are earnestly striving to attain that end. Japan has agreed with our Government to do so in a certain way. At the present time she is busily engaged in carrying out her promise. This nation must accept her good faith until the contrary appears. If Japan fails in what she has undertaken she can not complain if our Government undertakes in its own way the task. By pursuing this course, the friendly relations existing between the two nations will not be broken, and the great commerce now passing between them will continue to grow and the greatest benefits therefrom will be realized by the Pacific Slope.

The President of the United States and the Secretary of the State have issued a warning against passing any bills of the nature proposed. Representing the nation and knowing the situation as they do, their warning should be heeded. This matter is one in which our interests are not alone involved, but one in which the whole country is interested.

The passage of all or any of the proposed bills will not prevent a single Japanese from landing here or cause one to leave the country. They will in no sense check immigration, or change the Japanese way of doing business or his manner of living. They can only tend to embarrass this nation in its dealings with Japan, and render future negotiations more difficult.

Whatever we shall attain in the way of restricting Japanese immigration must come to us through treaties entered into by the Federal Government, or through laws enacted by Congress.

Our efforts should be made through the proper channels, and we should prepare a statement of facts to support any petition we may present.

I would therefore recommend that a sufficient appropriation be made to enable the Labor Commissioner to take a census showing the number of Japanese now in the State, the number classed as laborers, and those classed as agriculturists, the number of acres of land owned by Japanese and the number of acres leased, and to get such other and further information as may be useful in making a proper report to the President of the United States and to Congress.

With such a census we can ascertain hereafter whether or not the Japanese population of this State is increasing or decreasing, and whether or not they are extending their real property holdings.

I most respectfully submit this whole matter to your most careful and thoughtful consideration, hoping and believing that no mistakes will be made in the proper solution thereof, and that nothing may be done in the way of passing legislation which will tend to hereafter embarrass the representatives of our country in dealing with the nation of Japan concerning immigration matters.

J. N. GILLET.

Message read, ordered printed in the Journal, and referred to Committee on Executive Communications.

RESOLUTIONS.

The following resolutions were offered:

By Senator Welch:

Resolved, That the following persons be allowed the amount set opposite their names, being per diem due them up to and including January 23, 1909:

C. J. Sykes, 9 days at \$3.00 per day.....	\$27 00
J. R. Wells, 12 days at \$3.00 per day.....	36 00

\$63 00

That the Controller is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of \$63.00 to cover the above claims, payable out of the contingent fund, and the Treasurer is directed to pay the same.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Stetson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

By Senator Leavitt:

Resolved, That the Judiciary Committee be, and is hereby, requested to render an opinion in writing, with authorities, to the Senate upon the following question: If amendments to a city's freeholders' charter are submitted in separate concurrent resolutions, that is to say, one concurrent resolution to each amendment, would the same vitiate the amendments?

Resolution read and adopted.

By Senator Rush:

Resolved, That the Controller of State be, and he is hereby, authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$1,431.06, in payment of bills hereto attached, the said warrant payable out of the contingent fund of the Senate.

W. F. Purnell.....	\$4 95
J. F. Cooper Co.....	5 00
Postal Telegraph Co.....	132 66
Geo. C. Salch Co.....	196 00
Geo. C. Bornemann Co.....	350 00
H. S. Crocker Co.....	742 45

\$1,431 06

Resolution read, and referred to Committee on Contingent Expenses.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the appointment of a special committee on observance of the birthday anniversary of Abraham Lincoln, consisting of Senators Boynton and Sanford, to act with a similar committee from the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$1,067.25 in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

R. M. Richardson.....	\$3 00
Pacific Telegraph and Telephone Company.....	5 05
Kane & Trainor Ice Company.....	28 00
A. S. Hawk.....	2 50
F. R. Pulford.....	84 85
Frank H. Veach.....	18 50
Wm. Carragher.....	3 75
John Brenner Company.....	271 95
Willis & Martin Company.....	3 75
Whiskey Hill Water Company.....	39 00
J. L. Martin, incidentals.....	19 00
H. S. Crocker Company.....	446 00
Scott, Lyman & Stack.....	132 90
Hale Brothers	9 00

\$1,067 25

Also:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 2—Approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted.

WILLIS, Chairman.

Senate Concurrent Resolution No. 2 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 153—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations and notice of stockholders' meetings held therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 152 and 153 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 25 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 96—An Act to prevent the desecration, mutilation or improper use of the flag of the United States of America.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 96, 549, and 526 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 32—To amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q and 1426r, providing for the manner of locating lode and placer, mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

BOYNTON, Chairman.

Senate Bill No. 32 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 77—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 77 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

BLACK, Chairman.

Senate Bill No. 490 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BLACK, Chairman.

Senate Bill No. 94 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person, offering for sale any article of hotel boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

REILY, Chairman.

Senate Bills Nos. 323 and 366 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass.

REILY, Chairman.

Senate Bills Nos. 73, 324, and 342 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 229—An Act to establish and support a Bureau of Immigration—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass and be referred to Committee on Finance.

REILY, Chairman.

Senate Bill No. 229 ordered referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 533 and 106 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 222—An Act making an appropriation of \$2500 for restoring certain records in the office of the Clerk of the Supreme Court, in the city of San Francisco.

Also: Senate Bill No. 271—An Act to authorize the Controller of State to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor.

Also: Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 222, 271, and 583 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 644—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the constitution of the State granting equal suffrage.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Curtin: Senate Bill No. 645—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 646—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 647—An Act to amend sections three thousand six hundred and twenty-seven, three thousand six hundred and eighty, three thousand six hundred and ninety-two, three thousand eight hundred and thirty-nine, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, and three thousand eight hundred and fifty-four of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Weed: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Miller: Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers *nunc pro tunc* under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly, or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 656—An Act to amend Sections 950, 951, 952, 956, 957, 958, 959, 961, 962, 963, 964, 965, 966, 967, 968, 969, and 971, of the Penal Code of the State of California, relating to rules of pleadings and the form of the indictment or information, and providing for a specification of facts to be furnished by the district attorney in connection with the indictment or information.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b,

747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders, or proceedings of the Superior Court to the Supreme Court or the District Court of Appeals, in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 27—Proposed amendment to article six of the Constitution, relative to Superior Courts.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 28—Proposed amendment to article one of the Constitution, relative to trial by jury.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 29—Proposed amendment to Article VI of the Constitution, relative to the appellate jurisdiction of the Supreme Court and of the District Court of Appeals in criminal cases.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 30—Proposed amendment to Article I of the Constitution, relative to the taking of depositions in criminal prosecutions, and providing for the payment of the expenses incident thereto.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 665—An Act to amend Section 628 of the Penal Code, and inserting three new sections therein, all relating to abalones, and other fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 666—An Act to prohibit the catching of lobster and crawfish for a certain term.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Boynton: Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Savage: Senate Bill No. 671—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Black: Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Bill read first time, and referred to Committee on Corporations.

By Senator Price: Senate Bill No. 673—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 674—An Act to amend Section 626g of the Penal Code of California, relating to the protection and preservation of tree squirrels.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 675—An Act to amend sections three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Reily: Senate Bill No. 676—An Act to amend Section 628 of the Penal Code of the State of California, relating to the protection and preservation of fish and shellfish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Cutten: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propaga-

tion, restoration, and preservation of fish in the waters of the State of California.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Wright: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 679—An Act to amend section one thousand six hundred sixty-eight *n.* of the Political Code of the State of California, relating to physical culture and exercise.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF CONCURRENT RESOLUTION — (OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2 for immediate consideration.

SENATE CONCURRENT RESOLUTION NO. 2.

Approving seventeen certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

WHEREAS, In accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, the City of San Diego, a municipal corporation in the County of San Diego, State of California, framed a charter which was duly ratified by a vote of the people of said city at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the Legislature of the State of California on the 16th day of March, 1889, by joint resolution entitled, "Senate Joint Resolution No. 5, approving the charter of the City of San Diego, in the County of San Diego, California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the second day of March, 1889;" and

WHEREAS, The said charter of the said City of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended; the same having not been amended in the two years last past; and

WHEREAS, The legislative authority of the said City of San Diego, did, by ordinance numbered three thousand four hundred seventy-six, of the ordinances of said city, adopted by the Common Council of said city on the 26th day of October, 1908, entitled "An ordinance proposing certain amendments to the charter of the City of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments," and approved by the Mayor of said city on the 2nd day of November, 1908, and pursuant to Section 8 of Article 11 of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego nineteen certain amendments to the charter of the said city; and

WHEREAS, Said ordinance numbered three thousand four hundred seventy-six, containing said nineteen proposed amendments to said charter, was, and each of said nineteen proposed amendments were in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, published for twenty days after the passage and approval of said ordinance numbered three thousand four hundred seventy-six in the city official newspaper of said city, to wit: The San Diego Union and Daily Bee, a daily newspaper of general circulation in the said City of San Diego; and

WHEREAS, The said legislative authority of the said City of San Diego, did, by ordinance numbered three thousand five hundred and six of the ordinances of said city adopted by the Common Council of said city on the 30th day of November, 1908, entitled "An ordinance calling and providing for a special election in and for the City of San Diego, California, to be held in said city on Tuesday, the twelfth day

name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to before me this day of 19.....

Signature of officer.

And shall at the same time file therewith a petition of at least fifty qualified electors, requesting such candidacy. Each petition shall be verified by one or more signers thereof before some officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended, to the personal knowledge of such affiant, is the genuine signature of the person whose name purports to be thereunto subscribed. All signatures to the petition need not all be appended to one paper but each signer shall add to his signature, his place of residence, giving his street and number. Within ten days from the date of filing such petition, the city clerk shall examine, and from the great register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Common Council shall allow him extra help for that purpose. If said petition shall be found insufficient, it shall be immediately returned to the person filing the same without prejudice to the filing of a new petition to the same effect, *provided*, that such new petition shall, if found to be sufficient by the city clerk, be filed with the city clerk at least three days before the day of said primary election. The said petition shall be substantially in the following form:

The undersigned, duly qualified electors of the City of San Diego, and residing at the places set opposite our respective names, do hereby request that the name of be placed on the ballot as a candidate for nomination for (name the office) at the primary election to be held in the City of San Diego, for the nomination of candidates to be voted for at the municipal election to be held in the City of San Diego, on the first Tuesday after the first Monday in April, 19..... (inserting the year).

We furthermore state that we know him to be a qualified elector and a man of good moral character, and in our opinion qualified for the duties of such office.

Name of Elector.	Number.	Street.
.....
.....

Immediately upon the expiration of the time to file the statements and petitions for candidacy, the city clerk shall cause to be published for three consecutive days in all the daily newspapers of general circulation published in said city, in proper form and in alphabetical order the names of the persons as they are to appear upon the primary ballot, and the said city clerk shall have the primary ballots printed with the names of all the candidates in alphabetical order under the name of the office for which they are candidates; and on the right of each name shall be a square. Under the name of the last candidate for the office, shall be printed, "Vote for one," except that under the caption, "For members of the Common Council," shall be the words "Vote for" (giving the number to be elected), and under the caption "For members of the Board of Education" shall be the words "Vote for" (giving the number to be elected).

The ballots shall have no party or other designation or mark whatever and shall be in substantially the following form:

"Candidates for nomination for municipal offices for the City of San Diego, Cal.		
For Mayor	Names of Candidates.	
	(Vote for one)	SQUARE.
For City Treasurer	Names of Candidates.	
	(Vote for one)	SQUARE.
For members of the Common Council	Names of Candidates.	
	(Vote for.....) (Giving number to be elected)	SQUARE.
For members of the Board of Education	Names of Candidates.	
	(Vote for.....) (Giving number to be elected)	SQUARE.

All ballots printed shall be of precisely the same size, quality, tint of paper, kind of type and color of ink, so that, without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter.

Having caused the ballot to be printed, the city clerk shall cause to be delivered at each polling place a number of such ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for Mayor. The persons who are qualified to vote at the general municipal elections, shall be qualified to

vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the candidates, and make return thereof to the city clerk upon proper blanks to be furnished by the said city clerk. On the first Thursday following said primary election, the Common Council shall canvass said returns so received from all the election precincts, and shall make and publish, at least once in all the daily newspapers published in said city, the result thereof. Said canvass by the Common Council shall be publicly made. The two candidates receiving the highest number of votes for each of the offices to be filled, except for the members of the Common Council and members of the Board of Education, shall be the candidates and the only candidates whose name shall be placed on the ballot for said office, *provided*, that, where more than one office of the same kind is to be filled, the candidates therefor, equal in number to twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general or special election.

Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Amend Section 2 of Chapter 1 of Article II to read as follows:

Section 2. (a) The Common Council shall consist of five members to be nominated and elected at large by the electors of the City of San Diego, and shall hold office for four years, except, that at the organization of the first Common Council elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years.

(b) The members of the Common Council shall receive as compensation the sum of two thousand dollars per annum, for each councilman, payable in equal monthly installments.

(c) Each member of the Common Council must have been both an elector and an actual resident of the city at least two years next preceding his election, and shall give bond in the sum of \$5,000.00.

(d) The Common Council shall have and possess the Common Council and its members shall exercise all executive, legislative and judicial powers and perform the duties now had, possessed and exercised by the Common Council: the Board of Public Works, the Board of Commissioners of the Police Department and the Board of Commissioners of the Fire Department, all of which are hereby merged into one body known as the Common Council.

(e) All the executive and administrative powers and authority and duties shall be distributed into and among five departments as follows:

1. Department of Finance, Ways and Means;
2. Department of Police, Health and Morals;
3. Department of Public Streets and Buildings;
4. Department of Fire and Sewers;
5. Department of Water.

(f) Each member of the Common Council shall be superintendent of a department.

(g) The Common Council shall, at the first regular meeting after the election of its members, designate by a majority vote, one councilman to be the superintendent of the Department of Finance, Ways and Means; one to be the superintendent of the Department of Police, Health and Morals; one to be the superintendent of the Department of Public Streets and Buildings, one to be the superintendent of the Department of Fire and Sewers and one to be the superintendent of the Department of Water; such designation shall be changed by a majority vote of the Common Council whenever it appears that the public service would be benefited thereby. If the Council is unable to agree, the Mayor shall have authority to make such designation.

(h) At the first meeting after the organization of the Common Council, or as soon thereafter as shall be practicable, the Common Council shall elect by a majority vote, a City Attorney, City Clerk, City Engineer, Chief of Fire Department, Chief of Police Department and such other officers and assistants as shall be provided for by ordinance, and necessary to the proper and efficient conduct of the affairs of the city.

Any officer or assistant, elected or appointed by the Common Council, may be removed from office at any time by a vote of two-thirds majority of the members of the Common Council.

(i) The Common Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and shall prescribe the powers and duties of all officers and employees; such council may assign particular officers and employees to one or more of the departments, and may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

(j) Any officer or assistant so elected or appointed by the Common Council may be removed from office at any time by a majority vote of the members thereof, except as may otherwise be provided for in this charter.

(k) The Common Council shall have the power from time to time to create, fill and discontinue offices and employments, other than herein prescribed, according to their judgment of the needs of the city and may, by a majority vote of all the members, remove any such officer or employee, except as otherwise provided for in this charter, and may, by resolution or otherwise, prescribe, limit or change the compensation of such officer or employee.

Amend Section 6, Chapter 1, Article II, to read as follows:

Section 6. The Common Council shall hold regular meetings on Monday of each week at ten o'clock A. M. or if that be a legal holiday then upon the next day at the same hour, and special meetings at such other times as it may appoint, or of which the President or a majority of the Council, or the Mayor may give notice. The meetings of the Common Council shall be public; a majority shall constitute a quorum, and the affirmative vote of a majority shall be necessary to pass any ordinance or resolution.

Amend Section 7 of Chapter 1, Article II, to read as follows:

Section 7. No member of said Common Council shall hold any other office, Federal, State, county or municipal, except in the National Guard or as a Notary Public, or be an employee of said city, or of said Common Council, or be directly or indirectly interested in any contract with said city, or with or for any department or institution thereof; or advance money, or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract. Upon taking office, each member shall make and file in the office of the City Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office by an affirmative vote of not less than two thirds of its members.

That Section 16, Chapter 1, of Article II, of the charter of the City of San Diego, California, be, and the same is hereby repealed.

Amend Section 17, Chapter 1, Article II, to read as follows:

Section 17. The members of the Board of Health, Cemetery Commission, Park Commissioners and Auditor, shall be appointed by the Mayor and confirmed by the Common Council.

That Section 23, Chapter 1, Article II, of the charter of the City of San Diego, California, be, and the same is hereby repealed.

Amend Section 24, Chapter 1, Article II, to read as follows:

Section 24. In the construction of this chapter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or clearly repugnant to the context of the provisions of this charter:

(a) Whenever, hereafter, in this charter reference is made to the Board of Aldermen or to the Board of Delegates, or to both the Board of Aldermen and the Board of Delegates, or to each or both boards of the Common Council, it is to be construed as referring to the Common Council and whenever officers or committees of each or either, or both of said boards are referred to, it is to be construed as referring to officers or committees of the said Common Council.

(b) Whenever, in this charter, reference is made to the Board of Public Works, the Board of Commissioners of the Police Department, or to the Board of Commissioners of the Fire Department, it is to be construed as referring to the Common Council; and whenever officers or committees of either of said boards are referred to, it is to be construed as referring to officers or committees of the Common Council.

(c) Whenever in this charter, powers and duties are vested in the Board of Public Works, the Board of Commissioners of the Police Department, or the Board of Commissioners of the Fire Department, all and every of such powers and duties are to be construed as vested in or required to be performed by the Common Council or the members of the Common Council, or by the proper department, by this charter created wherein the duties of any, either or, all of said boards shall be assigned to any of such departments as the appropriate department therefor.

That Sections 2 and 4, of Chapter 2, of Article II, of the charter of the City of San Diego, California, be and the same are hereby repealed.

That Section 1, Chapter 5, Article III, of the charter of the City of San Diego, California, be and the same is hereby repealed.

Amend Section 1, Chapter 9, Article III, to read as follows:

Section 1. The annual salaries of the officers and the compensation of the employees of the city shall be as follows:

The Mayor, two thousand dollars; the Auditor and Assessor, eighteen hundred dollars; the Treasurer and Tax Collector, two thousand dollars; the City Attorney, twenty-four hundred dollars; City Engineer, three thousand dollars; Chief of Police, two thousand dollars; Chief of Fire Department, two thousand dollars, and all other officers and employees as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council, in the month of January, 1911, and every two years thereafter, shall readjust and fix anew the amount of all official salaries provided for in this charter, except the salaries of the Common Council.

Chapters 1 and 5, of Article V, of the charter of the City of San Diego, California, be, and the same are hereby repealed.

Amend Section 32, of Chapter I, Article VI, to read as follows:

Section 32. The Common Council is hereby authorized and empowered to adopt an ordinance authorizing the City of San Diego, to avail itself of the provisions of any act of the Legislature of the State of California, now existing, or which may hereafter be enacted, whereby the duties of the City Assessor, the City Tax Collector and the City Treasurer of said city, or any or either of them, are authorized to be performed by the County Assessor, County Tax Collector or the County Treasurer of the County of San Diego, and to provide in such ordinance that the duties of the City Assessor may be performed by the County Assessor and that the duties of the City Tax Collector may be performed by the County Tax Collector and the duties of the City Treasurer may be performed by the County Treasurer of the said County of San Diego, State of California, and upon the taking effect of such ordinance, the offices of City Assessor, City Tax Collector and City Treasurer, or either of them, shall cease to exist and said offices, or either of them may be declared to be abolished.

The Common Council shall have the power to provide by such ordinance a system for the assessment, levy and collection of all taxes of said city not inconsistent with the provisions of this section or the laws of the State of California, in reference to the assessment, levy and collection of the State and county taxes, to the end that the duties of the Assessor of said city may be performed by the Assessor of said county, and the duties of the Tax Collector of said city may be performed by the Tax Collector of said county, and the duties of the City Treasurer may be performed by the County Treasurer of said county in manner and form as is now, or may hereafter be provided by the general laws of the State of California.

And the said Common Council is hereby authorized and empowered, by such ordinance to change the fiscal year of said City of San Diego from the first day of January to such other time as the said Common Council shall elect, and the said Common Council shall have power to provide by taxation for sufficient revenue to meet and carry on the necessary expenses of the different departments of the municipal government of said city for the period of time from the end of the fiscal year as it stands before such change was made, to the beginning of the new fiscal year as changed by such ordinance.

And the said Common Council is hereby authorized and empowered by such ordinance to make all such provisions as said Common Council may deem necessary to carry into effect the provisions of this section according to its true intent and meaning for the purpose of consolidating the offices of City Assessor, City Tax Collector and City Treasurer, or of either of them, with the offices of County Assessor, County Tax Collector and County Treasurer, respectively, and to have said county officers perform the duties heretofore performed by said city officers.

Amend Section 2, of Article VII to read as follows:

Section 2. The government of the San Diego School District shall be vested in a Board of Education, composed of five persons who shall be elected by the electors of the City of San Diego, at large, at the same time and in the same manner as other municipal officers, and each of whom, shall have been for two years, a resident of said city, who shall be styled member of the Board of Education. They shall serve four years, or until their successors are elected and qualified.

Except that at the organization of the first Board of Education, elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years. Any vacancy in the body shall be filled by the board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term.

That Chapters 1 and 2 of Article IX, of the charter of the City of San Diego, California, be and the same are hereby repealed.

Amend paragraph 50 of Section 1, Chapter 2, of Article II, to read as follows:

50. (a) That all pueblo lands owned by the City of San Diego, lying and being situated north of the north line of the San Diego River be and the same are hereby reserved from sale until the year 1930, *provided, however*, that at any time should it be desired to sell any part or portion of such public lands prior to the year 1930, the sale thereof may be authorized by an ordinance duly passed by the Common Council and ratified by the electors of the City of San Diego at any special or general municipal election. The Common Council shall levy annually in addition to all other taxes provided for in this charter, 2c on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein reserved from sale.

(b) The Common Council may provide for the sale and conveyance or lease of all other lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction, unless otherwise provided by ordinance after publication or notice thereof for at least three (3) weeks. No lease shall be made for a longer term than two years except by ordinance passed by an affirmative vote of two-thirds of the members of the Common Council.

STATE OF CALIFORNIA, }
COUNTY OF SAN DIEGO, } ss.

This is to certify that we, Jno. F. Forward, Mayor of the City of San Diego, California, and J. T. Butler, City Clerk of the City of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said

City of San Diego with the original ordinance proposing such amendments and submitting the same to the electors of said City of San Diego, at a special election called for that purpose on Tuesday, the twelfth day of January, 1909, and find that the foregoing is a full, true, correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 18th day of January, 1909.

[SEAL.]

JNO. F. FORWARD,
Mayor of the City of San Diego, California.

J. T. BUTLER,
City Clerk of the City of San Diego, California.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, in accordance with Section 8, of Article 11, of the Constitution of the State of California, now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said City of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said City of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San Diego.

Senate concurrent resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Senate Concurrent Resolution No. 2 considered engrossed, and ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 85—An Act to add a new section to the Political Code, to be numbered Section 4004a, relating to the making of contracts in behalf of counties.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Holohan, Hurd, Leavitt, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

On motion of Senator Willis, Senate Bill No. 35 was temporarily passed on file, to retain its place.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

On motion of Senator Willis, Senate Bill No. 88 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 3.

Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

WHEREAS, The transcontinental lines have put into effect advances in freight rates between California points and the east and vice versa; and

WHEREAS, These advances will place a burden upon manufacturers, merchants and producers to an extent estimated to approximate \$10,000,000 per year; and

WHEREAS, In view of the statements made by the transcontinental railroads showing increased net earnings; and

WHEREAS, Various protests have been filed with the said transcontinental lines, prior to the going into effect of the said advances in freight rates; and

WHEREAS, The California Traffic Association and others are presenting the matter to the Interstate Commerce Commission as to the reasonableness of the rates now in effect; and

WHEREAS, There are now before the Congress of the United States several measures looking to the enlargement of the powers of the Interstate Commerce Commission so that it will be in a position to review any proposed advances in freight rates before the same go into effect; and

WHEREAS, In a report to President-elect Taft, issued by the then special Panama Railroad Commissioner Joseph L. Bristow, it was recommended that the United States Government establish a line of steamers on the Pacific Ocean to connect with the railroad across the Isthmus of Panama owned by the United States Government, and the line of steamers on the Atlantic Ocean owned by the United States Government; and

WHEREAS, In the said report the Hon. Joseph L. Bristow especially charges that the Pacific Mail Steamship Company is dominated and controlled by the transcontinental lines, and therefore does not solicit through business via the Panama line; therefore, be it

Resolved, by the Senate of the State of California, and the Assembly, jointly. That we request the Interstate Commerce Commission to consider the protests made against the advances in freight rates at as early a date as possible and thus relieve the manufacturers, merchants and producers of our State from the increased burden placed upon them; and be it further

Resolved, That we request the Congress of the United States to speedily give consideration to the report of the Honorable Joseph L. Bristow, special Panama Railroad Commissioner, as submitted by him to President-elect Taft, and that we recommend the speedy establishment of the line at as early a date as possible, in order that relief may be afforded to the manufacturers, merchants and producers of this State; and

Resolved, That we denounce the arrangement made by the Pacific Mail Steamship Company with the transcontinental lines as alleged in such report of Hon. Joseph L. Bristow whereby they have never solicited any of this through business, and urge our Representatives in Congress and in the United States Senate to give this matter their immediate time and attention; and be it further

Resolved, That we urge our Representatives in Congress to use every effort for the furthering of the measures granting increased powers to the Interstate Commerce Commission, and particularly those measures relating to giving it the power to pass upon the reasonableness of rates prior to the taking effect of any proposed advance.

Senate joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Senate Joint Resolution No. 3 considered engrossed, and ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to Boards of Education and text-books, and providing for free text-books.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, one thousand nine hundred and nine, and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby proposes that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professors of pedagogy therein, and the principals of the State normal schools shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt a uniform system of text-books for use in the common schools throughout the State; and shall perform other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing by the State Printing Office, and for the distribution of the same for use in the common schools throughout the State, free of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted, shall continue in use not less than four years. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards shall have control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

Senate constitutional amendment read.

During the reading of Senate Constitutional Amendment No. 2 the following amendments were submitted by committee:

On page 1, Section 7, line 10, strike out the word "professors," and insert in lieu thereof the word "professor."

Amendment adopted.

Also:

On page 1, Section 7, line 14, strike out the semicolon, and insert the following: "And shall have control in the manner provided by law of the examination of teachers, and the granting of teachers' certificates for secondary schools."

Amendment adopted.

Also:

On page 2, Section 7, line 24, correct the spelling of the word "superintendents."

Amendment adopted.

Also:

On page 2, Section 7, line 25, after the word "control" insert the following: "In the manner provided by law."

Amendment adopted.

And:

On page 2, Section 7, line 26, after the word "certificates," insert the following: "For all schools other than secondary schools."

Amendment adopted.

Senate Concurrent Amendment No. 2 ordered to print, and engrossment.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator Leavitt of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 233—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated, or destroyed by conflagration or other public calamity, or for the establishment of proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 233 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI, of Part IV, of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of agricultural and horticultural non-profit coöperative associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

And report that the same have been correctly reingressed.

STROBRIDGE, Chairman.

Senate Bills Nos. 104 and 187 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 243—An Act authorizing the Boards of Supervisors of the several counties of the State to set apart from the fees collected by the county clerk a sum not exceeding thirty dollars in any one month to be paid into the "Law Library Fund" designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund" is now used.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 243 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

On motion of Senator Boynton, Senate Bill No. 9 was temporarily passed on file, to retain its place.

Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374—An Act to provide for the payment of expenses incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers, and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 374 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Willis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 374 was this day finally passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 333—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 333 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mac-

kenzie, Chief Engineer; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers, the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 346 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Bardsall, Black, Boynton, Burnett, Caminetti, Campbell, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Wright moved that Rule 1 of the Standing Rules of the Senate be suspended for this day.

Motion duly seconded, and unanimously carried.

PERMISSION FOR USE OF SENATE CHAMBER GRANTED.

On request of Senator Wright, the Senate granted permission to the Senate Committee on Commerce and Navigation, to have the use of the Senate Chamber for the purpose of holding a session of said committee on Wednesday evening, January 27, 1909.

On request of Senator Bates, the Senate granted permission to the Senate Committee on Corporations, and the Assembly Committee on Common Carriers, to have the use of the Senate Chamber for the purpose of holding a joint session of said committees on Tuesday evening, February 2, 1909.

On request of Senator Weed, the Senate granted permission to the Senate Committee on Public Morals to have the use of the Senate Chamber for the purpose of holding a session of said committee on Thursday evening, January 28, 1909.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced out of order:

By Senator Wolfe: Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill 681—An Act to amend Section 6321½ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill 682—An Act to amend Section 634 of the Penal

Code of the State of California, relating to the protection and preservation of salmon, shad, and striped bass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 683—An Act to amend Section 628a of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Bill read first time, and referred to Committee on Fish and Game.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Wright, the President declared the Senate adjourned until Wednesday, January 27, 1909, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Wednesday, January 27, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 26, 1909, the further reading was dispensed with, on motion of Senator Willis.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By the President:

To Our Legislative Senators:

WHEREAS, California is the only state in the Union without a Sunday rest law; and WHEREAS, We believe it to be for the best welfare of our State to have such a law; therefore,

Resolved, That we earnestly request you, as the representatives of the citizens of this district, that you give your vote and strong support to the passage of the Sunday rest bill drafted by the Reform Bureau of California, which is outlined in the circular sent herewith.

The above was unanimously adopted at a public meeting of citizens in Los

Angeles, Cal., on January 10, 1909, and the undersigned were authorized to so attest—representing a constituency of over five hundred persons.

Edgar W. Pasko, George De Pugh, W. Tiff, A. D. Britton, F. H. Herman, and L. R. Sawyer.

By Senator Wright:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day:

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

A. W. Kleinsmid, Adam Campbell, John Hornibrook, Jud Pettegrew, M. O. Burnat, and others.

COMMUNICATIONS.

The following communications were presented by the President of the Senate, and ordered printed in the Journal:

SAN FRANCISCO, January 25, 1909.

To the Honorable, the Senate of the State of California:

GENTLEMEN: Assembly Bill No. 32, providing for the segregation by municipal authority of certain persons into certain districts, is a measure which the Federal Government deems it unwise to be passed because of the effect it might have upon the otherwise friendly relations existing between Japan and this country.

California, and, in fact, the entire Pacific coast, by reason of its geographical position, must look to the development of trade with the Orient as its greatest commercial asset of the future, and any measure would be unwise which is calculated to antagonize unnecessarily the very people with whom it is to our interests to develop trade relations.

By Section 11 of Article XI of the State Constitution "Any county, city or township may make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws."

This section of the Constitution has received a liberal construction by our courts, and it would appear to confer upon municipalities all such police and sanitary authority as it is necessary for them to have.

Very respectfully,

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO.

ANDREW M. DAVIS, President.

L. M. KING, Secretary.

Also:

SAN FRANCISCO, January 25, 1909.

To the Honorable, the Senate of the State of California:

GENTLEMEN: Regarding Assembly Bill No. 78 and Senate Bill No. 71, both of which in effect put a five-year limit on the ownership of real estate in California by aliens, the Merchants' Association of San Francisco respectfully submits its protest against the passage of either bill.

The differences between the Assembly bill and Senate bill do not have any relation to the point we make against both bills. Our objection to them is that they will put a restriction upon the development of the resources of California which, in the light of present conditions and of conditions that may be reasonably anticipated for some time to come, appears both unwise and unnecessary. Such bills as these, for instance, might prevent the development of mines by foreign capital or the establishment of industrial and commercial industries, all of which would add to the prosperity and development of the State and increase its taxable property. The English courts have held aliens to include foreign corporations, even when a majority of the stockholders of foreign corporations were British subjects. These bills might, therefore, prevent such foreign companies as are now or may hereafter do business in this State from acquiring city property and improving the same with substantial buildings.

We would suggest that a measure which would escheat to the State lands held by non-resident aliens might be good policy when the occasion for the escheat was made the failure to improve or cultivate the land substantially for a period of five years, but when the right of escheat rests entirely on the question of ownership for five years such a measure seems impolitic for reasons already stated.

Assembly Bill No. 15, prohibiting an alien from being a director in a corporation, is objectionable and unwise for somewhat similar reasons, because it would have a tendency to prevent the investment of foreign capital in this State. At this stage

of California's history efforts should be directed to encouraging the investment of as much capital here as can be induced to come from any source, and the association respectfully protests against the passage of Assembly Bill No. 15.

Very respectfully,

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO
ANDREW M. DAVIS, President
L. M. KING, Secretary.

Also:

SAN FRANCISCO, CAL., January 23, 1909

To the Senate of the State of California, Sacramento, California.

GENTLEMEN: The Board of State Harbor Commissioners is this day in receipt of a communication from the Secretary of the Senate, as follows:

SACRAMENTO, CAL., January 20, 1909.

To the Board of State Harbor Commissioners, San Francisco, Cal.

GENTLEMEN: I hereby certify to you, that the following resolution was duly adopted by the Senate of the Legislature of the State of California on the 18th day of January, 1909:

WHEREAS, It is reported that a portion of the harbor front of San Francisco is about to be devoted, under other than public authority, to a great system of wharves, docks, and other harbor facilities; therefore, be it

Resolved by the Senate, That the Board of State Harbor Commissioners do, and it is hereby, requested to furnish at its earliest convenience, for the use of the Senate, the following information:

First—Are there any plans or proposals for wharves, docks, or other harbor facilities, in course of construction, or contemplated on any portion of the harbor front of San Francisco, not now under control of the State; if so, by whom, at what place or places, and under what authority?

Second—If any such wharves, docks, or other harbor facilities are now being constructed or contemplated, what effect, when completed, will the operation thereof, under other than State authority, have on the commerce of the Port of San Francisco, either foreign or domestic, on the efforts and plans, present and proposed, of the State to provide for such commerce by its system of wharves, docks and other harbor facilities, and on the revenue earning capacity of the system owned and provided by the State; and

Third—The recommendations and suggestions that said board may see proper to submit, concerning the proposed or contemplated system of wharves, docks or other harbor facilities, referred to in the preamble to these resolutions.

Will you kindly send me at your earliest convenience, the information asked for by these resolutions?

Very truly yours,

(Signed:) LEWIS A. HILBORN, Secretary.

In conformity with the requests contained therein we beg leave to state as follows:

First—The Federal Government has prepared plans and specifications, and has let a contract, for the construction of three piers on the water front of the city and county of San Francisco, located on the westerly side of Black Point Reservation between Laguna and Gough streets, if extended. Immediately west of the proposed wharf construction by the Federal Government has property formerly owned by the estate of James G. Fair, deceased, now reputed to be owned by Dr. Hartland and Herbert E. Law. The board has no official knowledge that this property is to be improved by a system of wharves and docks, but it is rumored that such improvements are contemplated.

In this connection it might be well to state that by Act of the Legislature, approved March 15, 1878 (Statutes 1877-8, page 263)

"So much of the line for a harbor embankment or seawall of the port of San Francisco, adopted on the twelfth day of September, eighteen hundred and seventy-seven, by the Governor, the Mayor of the City and County of San Francisco, and the State Harbor Commissioners, and indicated on the maps filed in the office of the said Board of Harbor Commissioners and of the Recorder of the City and County of San Francisco, as extends from the east line of Taylor street to the boundary line between the City and County of San Francisco and the County of San Mateo, is hereby ratified and confirmed, and shall be known as the 'water front line' of the City and County of San Francisco; and so much of said line of harbor embankment as seawall as extends from the east line of Taylor street to the eastern line of the Presidio Reservation is hereby annulled and vacated."

Second—The natural result of the construction of the proposed wharves and docks by the Federal Government will be to cause a loss to the State of a customer, but will not create a competitor. The construction of wharves by private owners will reduce the income, and, as a consequence, lessen the possibility of the bond redemption fund, and so retard permanent improvements necessary for the construction of a great harbor in exact proportion to the amounts of business diverted from State wharves.

Third—The rumored construction of docks as outlined above constitutes a loss in revenue, the exact amount of which can not be definitely determined. The fact that the revenues of the port have not been sufficient to construct the seawall from its present southern terminus to keep pace with the necessities of commerce and the growth of local industries at this time prevents the State, through the Board of State Harbor Commissioners, from collecting revenue from large industries now located within the line of harbor embankment and seawall between Central Basin and India Basin, which industries are now operating private wharves. The attention of the Senate is respectfully invited to the report and recommendations of the Joint Committee on Harbors appointed by the Legislature of the State of California on March 14, 1907 (page 32).

It is well known that a cut-off across the bay at Dumbarton has been constructed and is soon to be placed in operation. The operation of this cut-off will necessarily reduce the income of the port materially by diverting transbay freights, a great portion of which at the present time are brought into San Francisco across the water front and pays tolls to the State.

The fact that a transcontinental railroad is about to establish a ferry slip and terminal between Central Basin and India Basin furnishes additional evidence of the importance of the speedy construction of the seawall between the points above-named in order to protect the revenues which the State should receive.

Respectfully submitted.

W. V. STAFFORD, President.
W. E. DENNISON, Commissioner.
HENRY J. CROCKER, Commissioner.

Attest:

W. B. THORPE, Secretary.

Communication from Board of State Harbor Commissioners read and ordered referred to San Francisco Delegation.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907—and report that the same has been correctly engrossed.

STROBRIDGE, Chairman.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 513—An Act to amend Section 290a of the Civil Code relating to corporations authorized to act as executor, administrator, guardian, assinee, receiver, depository or trustee—have had the same under consideration, and respectfully report the same back with the recommendation that the same do pass.

BATES, Chairman.

Senate Bill No. 513 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California, entitled "An Act to amend Section 1 of an Act entitled an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889, approved March 21, 1905.

Also: Senate Bill No. 552—An Act to amend Section No. 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12,

1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 448, 552, and 553 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities—have had the same under consideration, and respectfully report the same back with the recommendation that the same do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 103 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California: to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be referred to Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 520, 521, and 523 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one-half.

Also: Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

RUSH, Chairman.

Senate Bills Nos. 261 and 262 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city

of Sacramento, State of California, to be known and designated Machinery Hall, fixing the requirements thereof and making an appropriation therefor.

Also: Senate Bill No. 541—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Also: Senate Bill No. 542—An Act to provide for the improvement of the cereal crops of California and appropriating money therefor.

Also: Senate Bill No. 486—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious disease, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 12, providing for additional officers and employees and fixing their salaries.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended, and referred to Committee on Finance.

RUSH, Chairman.

Senate Bills Nos. 522, 541, 542, and 486 ordered referred to Committee on Finance.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: The San Francisco Delegation, to whom was referred Senate Bill No. 225—An Act providing for the issuance and sale of State bonds to create a fund for the purpose of making a safe and suitable harbor in the city and county of San Francisco, in India Basin, and the tidal basins contiguous thereto, north of said India Basin, and extending therefrom to Islais Creek, in said city and county, by dredging said basins and constructing in and about the same wharves, docks, piers, bulkheads, approaches and appurtenances; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back with the recommendation that same do pass, and be referred to Committee on Commerce and Navigation.

WELCH, Chairman.

Senate Bills Nos. 225, 226, 227, and 485 ordered referred to Committee on Commerce and Navigation.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal

School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Also: Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 235, 309, 361, and 451 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 470—An Act making an appropriation to pay the claim of Southern Construction Company against the State of California.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 241, 239, and 470 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Hospital and Asylums, to whom was referred Senate Bill No. 49—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and the wiring and installation of a telephone system and all the necessary equipments thereof in said buildings, and to make appropriations thereof.

Also: Senate Bill No. 62—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to make certain improvements, alterations, additions, and repairs upon the grounds of the said home, and making an appropriation therefor.

Also: Senate Bill No. 28—An Act to provide for certain necessary improvements and repairs and to furnish certain necessary medical and surgical appliances for the hospital at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with the recommendation that the authors do withdraw the same.

PRICE, Chairman.

Senate Bills Nos. 49, 62, and 28 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 28.

Senate Bill No. 28—An Act to provide for certain necessary improvements and repairs and to furnish certain necessary medical and surgical appliances for the hospital at the Veteran's Home of California, located at Yountville, Napa County, and making appropriation therefor.

Senate Bill No. 28 withdrawn, and ordered stricken from the file.

Senator Price asked for and was granted unanimous consent to withdraw Senate Bill No. 62.

Senate Bill No. 62—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-

Minded Children to make certain improvements, alterations, additions, and repairs upon the grounds of the said home, and making an appropriation therefor.

Senate Bill No. 62 withdrawn and ordered stricken from the file.

Senator Lewis asked for and was granted unanimous consent to withdraw Senate Bill No. 49.

Senate Bill No. 49—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and the wiring and installation of a telephone system, and all the necessary equipments thereof in said buildings, and to make appropriations therefor.

Senate Bill No. 49 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "The congregate dining-room," and to make appropriation for the same.

Also: Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 66—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended, and be referred to the Finance Committee.

PRICE, Chairman.

Senate Bills Nos. 76, 172, 175, and 66 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 19—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipment of such machinery as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Also: Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females at the Stockton State Hospital Farm, and to make appropriations for the same.

Also: Senate Bill No. 244—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Also: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Senate Bill No. 86—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be referred to the Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 19, 105, 244, 446, 447, and 86 ordered referred to Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County, have had the same under consideration, and respectfully report the same back with the recommendation that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 508 ordered referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 199—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."

Also: Senate Bill 319—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products; and to appropriate money for enforcing its provisions."

Have had the same under consideration, and respectfully report the same back with the recommendation that they be re-referred to the Committee on Finance.

ROSEBERRY, Chairman.

Senate Bills Nos. 199 and 319 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 457—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries.

Also: Senate Bill No. 63—An Act for the creation of a tuberculosis commission, providing for a secretary therefor, requiring reports to be made to the commission, and making an appropriation for necessary expenses.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do not pass.

ROSEBERRY, Chairman.

Senate Bills Nos. 457 and 63 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 34—An Act to establish a State Board of Embalmers,

defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 34 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Bills asked for, and was granted, unanimous consent to withdraw Senate Bill No. 63.

Senate Bill No. 63—An Act for the creation of a tuberculosis commission, providing for a secretary therefor, requiring reports to be made to the commission, and making an appropriation for necessary expenses.

Senate Bill No. 63 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

REILY, Chairman.

Senate Bill No. 341 ordered referred to Committee on Judiciary.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred: *Resolved*, That the Controller of State be, and he is hereby, authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$1,431.06, in payment of bills hereto attached, the said warrant payable out of the contingent fund of the Senate.

W. F. Purnell.....	\$4 95
J. F. Cooper Company.....	5 00
Postal Telegraph Company.....	132 66
Geo. C. Salch Company.....	196 00
Geo. C. Bornemann Company.....	350 00
H. S. Crocker Company.....	742 45
	<hr/>
	\$1,431 06

Have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutton, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the Board of Trustees, the appointment of a Board of Trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 345—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended, and that they be referred to Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 22, 12, and 345 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass, and that it be referred to Finance Committee.

STETSON, Chairman.

Senate Bill No. 234 ordered referred to Committee on Finance.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, January 26, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 1—An Act making an appropriation to pay the expenses of the Electors of President and Vice-President of the United States.

Also: Senate Bill No. 2—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.

Also: Senate Bill No. 171—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Also: Senate Bill No. 41—An Act declaring Friday, February 12, 1909, the one hundredth birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session of the public schools for that day.

Also: Senate Bill No. 6—An Act transferring money from the general fund to the State printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

J. N. GILLETT, Governor.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Kennedy: Senate Bill No. 686—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and sixteen, providing for the recording of the name of an arrested person by a peace officer, and providing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 687—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and seventeen, prohibiting the taking of the photograph, sketch or picture, or the measurement of any portion of the body of an arrested person by any police or other peace officer, and providing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 688—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and eighteen, providing for the keeping of a record book by the chief of police or other head of the police force of an incorporated city, city and county or town, in which to enter the names of arrested persons, designation of the crime and time and place of arrest, and providing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Joint Resolution No. 9—Relative to requesting the Secretary of War to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

On motion of Senator Savage, Senate Joint Resolution No. 9 was ordered on file, without reference to Committee.

RUSH ORDER TO PRINTER.

On motion of Senator Savage, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 9.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political

cal Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 692—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 693—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 695—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 696—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Concurrent Resolution No. 3—Relative to approving three certain amendments to the charter of the city of San Bernardino.

Senate concurrent resolution referred to Committee on Judiciary.

By Senator Cartwright: Senate Bill No. 697—An Act to add a new section to "An Act to define trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, to be numbered Section 13, relating to and limiting the meaning of the word commodity.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 698—An Act to amend section one thousand three hundred and ninety-two of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 699—An Act to amend section one thousand and ninety-seven of the Political Code, relating to qualifications of person in event of registration.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Black: Senate Bill No. 700—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and amended Statutes 1905, page 551, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Welch: Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read first time, and referred to San Francisco Delegation.

By Senator Anthony: Senate Constitutional Amendment No. 31—Proposing an amendment to Article IX of the Constitution, relative to election of superintendents of schools.

Senate constitutional amendment referred to Committee on Education.

Also: Senate Joint Resolution No. 10—Relative to added pay for officers and crews of subsidized American steamships.

Senate joint resolution referred to Committee on Federal Relations.

Also: Senate Joint Resolution No. 11—Relative to Japanese consul at San Francisco attempting to prevent legislation by the California Legislature.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Wolfe: Senate Bill No. 702—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—36.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 187—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

On motion of Senator Willis, Senate Bill No. 35 was temporarily passed on file, to retain its place.

Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books.

Senate Constitutional Amendment No. 2 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by

amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

On motion of Senator Boynton, Senate Bill No. 9 was temporarily passed on file, to retain its place.

Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 65 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 178—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 178 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such district, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobbridge, as a special committee of one, to amend as follows:

By striking out of Section 27, line 10, page 31, the semicolon and all the remainder of the section, and inserting in lieu thereof a period.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 40, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee and amendment adopted.

Senate Bill No. 40 ordered to print and reëngrossment.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lewis moved to refer to Senator Walker, as a special committee of one, to amend as follows:

To amend Section 1, line 6, of printed bill, after the word "purposes," by adding "approved, March 31, 1897."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 285, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee and amendment adopted.

Senate Bill No. 285 ordered to print and reëngrossment.

SENATOR MILLER IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Senator Miller, of the Thirty-second District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, of the printed bill, strike out the words "San Diego."

Amendment adopted.

Also:

On page 1, Section 1, line 12, of the printed bill, strike out the word "Fresno."

Amendment adopted.

Also :

On page 1, Section 1, line 7, insert after the word "Santa Clara," the words "San Diego, Fresno."

Amendment adopted.

And :

By Senator Lewis :

To amend by striking out of Section 1, line 9, of printed bill, the words "San Joaquin," and to insert on page 1, line 7, after the words "Contra Costa," the words "San Joaquin."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health. During second reading of the bill, the following amendment was submitted by committee :

'On page 3, of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

During second reading of bill, the following amendment was submitted by committee :

On page 2, line 17, strike out the letter "s" after the word "sums."

Amendment adopted.

Also :

On page 1, line 1, insert before the word "Section" the following : "Section 1."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

During second reading of bill, the following amendments were submitted by committee :

On page 2, strike out all of Section 4.

Amendment adopted.

Also :

On page 1, line 4, strike out the word "three," and insert in lieu thereof the following : "four."

Amendment adopted.

Also:

On page 2, line 23, strike out the word "are," and insert in lieu thereof the following: "shall be."

Amendment adopted.

Also:

On page 2, line 4, strike out the figures "3,000.00," and insert in lieu thereof the following: "3,600.00."

Amendment adopted.

Also:

By Senator McCartney:

Amend by striking out of Section 1, lines 12, 13, 14, 15, 16 and 17, the words "They shall also appoint an assistant secretary, who shall work under the direction of the secretary, shall hold office during the pleasure of the board, and subject to such direction, shall exercise like powers with the secretary. The assistant secretary may or may not be a member of the board."

Amendment adopted.

Also:

By Senator McCartney:

Amend by striking out of Section 1, line 18, the words "and the assistant secretary."

Amendment adopted.

Also:

By Senator McCartney:

Amend by striking out of Section 2, lines 13 and 14, the words "The assistant secretary shall receive a salary of two thousand four hundred dollars per year."

Amendment adopted.

And:

By Senator McCartney:

Amend by striking out of Section 2, line 15, the words "and that of the assistant secretary."

Amendment adopted.

Bill read second time, and ordered to print, and engrossment.

Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 471—An act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

During second reading of bill, the following amendment was submitted by committee:

On page 5, line 138, strike out semicolon, and insert a period, and strike out the balance of the section.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction works at said hospital, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 3, line 1, strike out the words "Section 3," and insert in lieu thereof the following: "Section 4."

Amendment adopted.

And:

On page one (1) of the printed bill after "Section 2," add a new section to be known as "Section 3," to read as follows, to wit:

"Section 3. The provisions of an Act entitled, 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 26, 1876, together with the amendments thereto, in so far as said Act and said amendments thereto relate to a call for bids and to award of contracts for the furnishing of material and performance of work thereunder, shall not apply to work done under the provisions of this Act."

Amendment adopted.

Bill read second time, and ordered to print, engrossment and third reading.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10 $\frac{1}{2}$.

During second reading of bill, the following amendments were submitted by committee:

On line 13 of the printed bill, after the word "the," strike out the words "Provisions of this Act," and insert in lieu thereof the words: "Laws of this State."

Amendment adopted.

Also:

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 160—An Act to establish a bird and arbor day.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

During second reading of bill, the following amendment was offered by Senator Thompson:

Amend the title by striking out of line 3 thereof the words "number of trustees," and inserting in lieu thereof the word "incorporation."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 57—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act with an emergency clause."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof relating to pawnbrokers.

During second reading of bill, the following amendments were submitted by committee:

Page 2, line 9, after the word "property" insert the words "or to any person appointed by the sheriff or head of the police department of any city, city and county, or town."

Amendment adopted.

Also:

On page 2, line 9, strike out the word "the" after the word "or," and insert in lieu thereof the word "an."

Amendment adopted.

Also:

Strike out all of Section 3, on page 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled

"An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 4, strike out the word "Section."

Amendment adopted.

Also:

On page 2, line 6, Section 1, after the word "eighty-five" add the words "of this code."

Amendment adopted.

Also:

On page 2, Section 1, line 14, strike out the word "but," and insert in lieu thereof, the following: "as prescribed in this section; and provided further that the former possessors or owners of said land thus devoted to the State may make redemption of any tax sale upon which said deed was founded or issued at any time before the land has been applied for by another, and such redemption when so made and the receipt of the Controller when issued and recorded in the Recorder's office of the county in which said land is situated, shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed. A copy of the Controller's receipt issued upon such redemption shall be filed in the office of the Surveyor General, and no other filing, entry or application shall be required of the former possessor or owner to reinvest him with his former title; but if not so redeemed."

Amendment adopted.

Also:

On page 2, Section 1, line 5, after the word "paid" strike out the comma and insert the following words: "have been sold to the State for delinquent taxes."

Amendment adopted.

And:

On page 3, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "section."

Amendment adopted.

Also:

On page 1, Section 1, lines 3 and 4, strike out the words: "members and agents may be authorized to act as police officers."

Amendment adopted.

Also:

Page 1, Section 1, line 13, strike out the semicolon and insert in lieu thereof a period.

Amendment adopted.

Also:

On page 1, Section 1, line 14, strike out the following: "(Make arrest; badge.)"

Amendment adopted.

And:

On page 2, Section 1, line 25, strike out the following: "(Resisting; penalty.)"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, beginning with the word "The," line 7, strike out all the printed matter to and including line 23, on page 2, and insert in lieu thereof the following: "The county clerk, \$2700.00 per annum, *provided*, that in years when a great register is ordered, the county clerk shall receive in addition to his regular salary, the sum of \$500.00 for such services and 10 cents for each person registered, and there shall be and there is hereby allowed to the county clerk in addition thereto, one deputy to be appointed by the said county clerk, who shall be paid a salary of \$1200.00 per annum, and one deputy to be appointed by the county clerk at a salary of \$900.00 per annum. The salaries of said deputies to be paid by said county in monthly installments, at the time and in the manner and out of the same fund as the salaries of the county officers are paid."

Amendment adopted.

Also:

On page 2, in line 54, of the printed bill, strike out the character and figures \$40.00, and insert in lieu thereof the word "sixty-five."

Amendment adopted.

Also:

On page 4, of the printed bill, strike out line 97.

Amendment adopted.

Also:

On page 4, of the printed bill, in line 108^h after the word "thousand," where it first appears in said line, strike out the words "of one thousand."

Amendment adopted.

Also:

On page 4, of the printed bill, strike out line 122.

Amendment adopted.

Also:

On page 5, of the printed bill, strike out all of Section 2.

Amendment adopted.

And:

On page 6 of the printed bill, strike out all of lines 2, 3, 4, 5, and 6.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

During second reading of bill, the following amendments were submitted by committee:

Insert on page 1 immediately following the enacting clause the following: "Section 1. Section 4041 of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

One page 1, line 1, of the printed bill, strike out the word "section."

Amendment adopted.

Also:

On page 1, line 17, of the printed bill, strike out the word "results," and insert in lieu thereof the word "result."

Amendment adopted.

Also:

On page 2, of the printed bill, in line 51, following the word "responsible," insert "under his official bond, to construct such bridge or structure."

Amendment adopted.

Also:

On page 4, of the printed bill, in line 109, after the word county, insert "or by posting in five public places in the county."

Amendment adopted.

Also:

On page 5, in line 173, of the printed bill, strike out the word "judges," and insert in lieu thereof the word "judge."

Amendment adopted.

Also:

On page 6, in line 180, of the printed bill, after the word county, insert "and the officers thereof."

Amendment adopted.

Also:

On page 7, in line 215, of the printed bill, strike out the word "ordinance," and insert in lieu thereof the word "ordinances."

Amendment adopted.

And:

On page 9 of the printed bill strike out all of lines 304 and 305.

Amendment adopted.

And:

By Senator Thompson:

Amend by inserting in line 96, on page 3, of the printed bill, after the word "hospital" the words "historical museum, art gallery."

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in line 14, of the printed bill, strike out the word "services" and insert in lieu thereof the word "service."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, immediately following the enacting clause, insert "Section 1. Section 4247 of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1 of the printed bill, strike out the word and figure "Section 1," and insert in lieu thereof the figures "4247."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, etc.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

During second reading of bill, the following amendments were submitted by committee:

Immediately following the enacting clause insert the following: "Section 1. A new section is hereby added to the Penal Code of California, to be numbered 310, and to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, strike out before the word "that" the quotation marks, and insert in lieu thereof the following: "310."

Amendment adopted.

Also:

Amend title of the bill so as to read as follows: "An Act to add a new section to the Penal Code of California, relating to the desecration, mutilation, or improper use of the flag of the United States of America."

Amendment adopted.

And:

On page 2, line 22, strike out after the word "dollars" the following: "(\$200.00)."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, strike out the word "complaint," and insert in lieu thereof the following: "or the."

Amendment adopted.

Also:

On page 1, Section 1, line 8, after the word "affidavit" insert the word "or."

Amendment adopted.

Also:

On page 1, Section 1, lines 8 and 9, strike out the words "or other instrument."

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the word "made" and insert in lieu thereof the word "based."

Amendment adopted.

Also:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 526—An Act to amend Section 221½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof: the calling of election in such district; the assess-

ment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

During second reading of bill, the following amendments were submitted by committee:

On page 6, line 190, before the word "All" insert the word and figure "Sec. 2."

Amendment adopted.

Also:

On page 6, line 192, before the word "This" insert "Sec. 3."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 32 —An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent coöwners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

During second reading of bill, the following amendments were submitted by committee:

On page 3, line 45, after the word "required," strike out period, and insert a comma and the following words: "and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions shall be deemed the equivalent of marking."

Amendment adopted.

Also:

Page 7, and just before Section 2 of this Act, insert the following:

"1426*s*. The failure or neglect of any locator of a mining claim to perform development work of the character, in the manner and within the time required by the laws of the United States, shall disqualify such locators from relocating the ground embraced in the original location or mining claim under the mining laws, and any attempted relocation thereof by any of the original locators shall render such location void."

Amendment adopted.

Also:

Amend the title by striking out the word "and" immediately after the figures and letter "1426*q*," and by striking out the comma after the figures and letter "1426*r*," and by inserting after the figures and letter "1426*r*" the word and figures "and 1426*s*."

Amendment adopted.

Also:

On page 7, strike out all of lines 194 to 199, inclusive, after the figures and letter "1426," and insert in lieu thereof the following: "The provisions of this Act shall not in any manner be construed as affecting or abolishing any mining district or the rules and regulations thereof within the State of California."

Amendment adopted.

And:

On page 7 strike out Section 2 after the letters and figure "Section 2," and insert in lieu thereof the following words: "All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 2, Section 1, line 18, strike out the word "shall," and insert in lieu thereof the following: "may."

Amendment adopted.

Also:

On page 2, Section 1, lines 20 and 21, strike out the words "the excess amounts estimated and approved as provided by this section," and insert in lieu thereof the following: "for which estimates have been submitted and approved as herein provided, the excess amounts so estimated and approved."

Amendment adopted.

And:

On page 2, Section 1, line 27, strike out the "period" (.), and insert in lieu thereof the following: "; provided, this section shall not be so construed as to repeal Sections 1830 to 1839, inclusive, of this code."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto, and the taxation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 6, strike out the entire section.

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "scaffolding," and insert in lieu thereof the following: "flooring."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding, or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this act a misdemeanor.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 3, strike out the entire section.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public works," approved March 9, 1897.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402 $\frac{3}{4}$, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this state.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 533—An act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 3, by adding after the word "dollars" the following: "or so much thereof as may be necessary."

Amendment adopted:

Also:

Amend Section 1, lines 5 and 6, by striking out the words "and other property," and inserting in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy and prescribing his duties.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of the title, and insert in lieu thereof the following: "An Act to authorize the Controller of State to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by striking out after the word "Code" the period, and insert in lieu thereof the following: ", relating to the salary of the Superintendent of State Printing."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced out of order:

By Senator Leavitt: Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction, or alteration of gas meters.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 705—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code, approved March 12, 1872, giving power to legislative bodies to fix a license tax, and upon whom it may be imposed.

Bill read first time, and referred to Committee on Revenue and Taxation.

ANNOUNCEMENTS.

The President of the Senate announced that he had made the following changes in the standing committees of the Senate, to wit:

Senator Rush from the Committee on Mines and Mining to the Committee on Hospitals and Asylums, and Senator Roseberry from the Committee on Hospitals and Asylums to the Committee on Mines and Mining.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 31—An Act to amend section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Also: Assembly Bill No. 33—An Act to amend section number 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Also: Assembly Bill No. 34—An Act to amend section number 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Also: Assembly Bill No. 186—An Act to provide two additional Judges of the Superior Court of the county of Alameda.

Also: Assembly Bill No. 422—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

CLIO LLOYD, Chief Clerk,
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 31, 33, 34, and 186 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 422 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

CLIO LLOYD, Chief Clerk,
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.

SUSPENSION OF RULES.

Senator Price moved that Rule 1 of the Standing Rules of the Senate be suspended for this day.

Motion duly seconded, and unanimously carried.

ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Senator Price, the President declared the Senate adjourned until Thursday, January 28, 1909, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Thursday, January 28, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Steison, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 27, 1909, the further reading was dispensed with, on motion of Senator Boynton.

APPROVAL OF JOURNALS.

The Journals of Tuesday, January 19th, Wednesday, January 20th, and Thursday, January 21, 1909, having been corrected, were read and approved.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Wright:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

Wm. Rogatzky, Charles Lickert, W. Burkhardt, D. Broecker, J. F. Albrecht, and others.

By Senator Walker:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

E. L. Clark, Malcolm Rolfs, H. Green, H. W. Lapum, R. Readbread, and others.

By Senator Martinelli:

To the Senate of California:

WHEREAS, Every person is entitled as a natural right to a weekly rest day; and

WHEREAS, Many of our business men and laborers are now practically deprived of their Sunday rest rights; therefore,

Resolved, That we, citizens of Richmond, do favor the Sunday rest bill now pending before the Legislature of California in behalf of the public health and the public morals; that we hereby assure our Senator and Assemblyman that we shall appreciate and reciprocate their best efforts to secure its passage, and request them to have this resolution read to their respective houses.

Adopted at a public meeting of citizens of Richmond, January 24, 1909, and the undersigned were authorized to so attest.

JOHN HUSTON, Chairman.
ISAAC LESTER, Secretary.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

T. S. Turley, C. L. Nelson, F. S. Coats, C. B. Bergen, W. P. Hayes, and others.

COMMUNICATIONS.

The following communications were presented, and ordered printed in the Journal:

By Senator Welch:

RESOLUTION

Unanimously adopted by the Joint Committee of the Merchants' Association, the Merchants' Exchange and the Chamber of Commerce, regarding the acquisition of lands at Islais Creek for an inland harbor.

WHEREAS, After careful consideration of all sides of the Islais Basin proposition, and after hearing arguments put forth by advocates of various plans, and, having in mind the sole purpose of the ultimate benefit of the State through San Francisco water front betterment, we, the joint committee of the Merchants' Association, the Merchants' Exchange and the Chamber of Commerce, hereby report to our organizations our recommendation that they unite on the project of making said Islais Basin comprise sixty-three blocks between Islais street and First avenue, and Kentucky street to the seawall line, provided they can be purchased within an appropriation of one million dollars.

Therefore, The foregoing is the recommendation adopted by the joint committee.

(Signed:)

M. H. ROBBINS, JR.,

Chairman Merchants' Association Committee.

WM. MATSON,

Chairman Chamber of Commerce Committee.

E. W. FERGUSON,

Chairman Merchants' Exchange Committee.

Attest:

L. M. KING, Acting Secretary.

SAN FRANCISCO, January 7, 1909.

JOINT ACTION BY COMMERCIAL BODIES OF SAN FRANCISCO REGARDING ACQUISITION OF LANDS AT ISLAIS CREEK.

At a meeting of the Presidents of the Merchants' Association, Merchants' Exchange and the Chamber of Commerce, held January 12, 1909, by authority of the respective boards of directors and boards of trustees of the respective organizations, it was resolved that the resolution submitted by the joint committees of those organizations, which resolution is in the following form, be and the same is hereby approved:

WHEREAS, After careful consideration of all sides of the Islais Basin proposition, and after hearing arguments put forth by advocates of various plans, and, having in mind the sole purpose of the ultimate benefit of the State through San Francisco water front betterment, we, the joint committee of the Merchants' Association, the Merchants' Exchange and the Chamber of Commerce, hereby report to our organizations our recommendation that they unite on the project of making said Islais Basin comprise sixty-three blocks between Islais street and First avenue, and Kentucky street to the seawall line, provided they can be purchased within an appropriation of one million dollars.

Therefore, The foregoing is the recommendation adopted by the joint committee.

(Signed:)

M. H. ROBBINS, JR.,

Chairman Merchants' Association Committee.

WM. MATSON,

Chairman Chamber of Commerce Committee.

E. W. FERGUSON,

Chairman Merchants' Exchange Committee.

It was further resolved that these organizations approve, support and work for the passage of a bill at the present session of the Legislature providing for the acquisition of sixty-three blocks at Islais Creek, as described in the foregoing committee resolution, at a cost not to exceed one million dollars.

It was further resolved to approve, support and work for the passage of a bill at the present session of the Legislature, providing for a bond issue of eight million dollars for the general improvement of the San Francisco water front, an increase of one million dollars over a seven million dollar bill originally drafted, so as to enable the Harbor Commissioners, in their discretion, to develop and improve the entire water front, including the lands to be acquired at Islais Creek Basin for harbor purposes.

(Signed :) THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO,
By ANDREW M. DAVIS, President.
THE MERCHANTS' EXCHANGE OF SAN FRANCISCO,
By JAMES ROLPH, JR., President.
THE CHAMBER OF COMMERCE OF SAN FRANCISCO,
By CHARLES C. MOORE, President.

Attest:

L. M. KING, Acting Secretary.

SAN FRANCISCO, January 12, 1909.

RESOLUTION.

Unanimously adopted by the joint committee of the Merchants' Association, the Merchants' Exchange and the Chamber of Commerce, regarding Senate Bill 226.

Resolved. That we approve Senate Bill No. 226, providing that condemnation proceedings be taken under a single action so that it can be certain that the entire sixty-three blocks will be purchased within one million dollars, and we recommend that the bill be amended accordingly.

(Signed :)

M. H. ROBBINS, JR.,

Chairman Special Committee Merchants' Association.

WM. MATSON,

Chairman Special Committee Chamber of Commerce.

E. W. FERGUSON,

Chairman Special Committee Merchants' Exchange.

Attest:

L. M. KING, Acting Secretary.

SAN FRANCISCO, January 26, 1909.

Also:

By the President:

SAN FRANCISCO, CAL., January 27, 1909.

This is to certify that, at a meeting of the governing committee of the Traffic Bureau of The Merchants' Exchange, held on the 27th day of January, 1909, the following resolutions were unanimously adopted:

Resolved. That the Traffic Bureau of The Merchants' Exchange, while strongly in favor of the maintenance of an efficient and expeditious service between Atlantic and Pacific ports by the Panama route, is opposed to that portion of the California Senate Joint Resolution No. 3 (lines 37 to 43, inclusive) urging the establishment of a Government-owned line of steamers between Panama and Pacific coast ports, until every effort to secure a steamship service under private enterprise has been fully exhausted.

Resolved. That the Traffic Bureau does strongly favor the General Government granting and extending every assistance to private enterprise, whether same be by subsidy or otherwise.

Resolved. That copies of this resolution be sent to presiding officers in the Senate and Assembly of the State of California and to the Governor.

T. C. FRIEDLANDER, Secretary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Also: Senate Bill No. 160—An Act to establish a bird and arbor day.

Also: Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled

'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered section three hundred twenty-nine, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Also: Senate Bill No. 57—An Act entitled an Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent, stating the name of the person, firm, corporation or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause.

Also: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined to State hospitals for the insane," approved March 23, 1901.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to a waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 153—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations and notice of stockholders' meetings held therefor.

Also: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Also: Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 110, 160, 54, 296, 468, 57, 98, 152, 153, 94, 73, 342, 533, 106, and 324 ordered on file for third reading.

RESOLUTION.

The following resolution was offered:

By Senator Price:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 334—An Act to create the office of State dental surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office—have had the same under consideration, and respectfully report the same back with the recommendation that it do not pass.

PRICE, Chairman.

Senate Bill No. 334 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation for sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home,'"

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 25, 228, 258, 263, 288, and 289 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Also: Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending section 59 thereof.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

And: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

WALKER, Chairman.

Senate Bills Nos. 265, 266, 267, 268, and 269 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 646—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization—have had the same under consideration, and respectfully report the same back and recommend that it be referred to Finance Committee.

MCCARTNEY, Chairman.

Senate Bill No. 646 ordered referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Senate Bill No. 531 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 189—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

REILY, Chairman.

Senate Bills Nos. 189, 191 and 192, ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

REILY, Chairman.

Senate Bill No. 193 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 190—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

REILY, Chairman.

Senate Bill No. 190 ordered referred to Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 604—An Act to amend section five hundred fifteen of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation—have had the same under consideration, and respectfully report the same back with the recommendation that the same be referred to Committee on Finance.

WILLIS, Chairman.

Senate Bill No. 604 ordered referred to Committee on Finance.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 18—An Act to define and regulate the business of banking—have had the same under consideration, and respectfully report the same back, with the recommendation that same do pass as amended.

CUTTEN, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to take up Senate Bill No. 18 for immediate consideration.

Senate Bill No. 18—An Act to define and regulate the business of banking.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, line 2, of printed bill, strike out the word "and," and insert in lieu thereof the word "or."

Amendment adopted.

Also:

On page 1, Section 2, line 5, of printed bill, strike out comma, and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 1, Section 4, line 2, of printed bill, strike out the word "corporation," and insert in lieu thereof the word "bank."

Amendment adopted.

Also:

On page 3, Section 8, line 2, of printed bill, insert after the word "do" the words "a banking."

Amendment adopted.

Also:

On page 3, Section 8, line 4, of printed bill, strike out the word "certificates," and insert in lieu thereof the word "instruments."

Amendment adopted.

Also:

On page 3, Section 8, line 8, of printed bill, insert after the word "file" the words "certified copies of."

Amendment adopted.

Also:

On page 3, Section 9, line 13, of printed bill, strike out the figures "\$25,000," and insert in lieu thereof the words "twenty-five thousand dollars."

Amendment adopted.

Also:

On page 3, Section 10, line 4, of printed bill, strike out the figures "\$500," and insert in lieu thereof the words "five hundred dollars."

Amendment adopted.

Also:

On page 4, Section 12, line 1, of printed bill, after the word "person" insert a comma and the words "firm, company, copartnership or corporation."

Amendment adopted.

Also:

On page 4, Section 12, line 9, of printed bill, insert after the word "persons" a comma, and the words "firm, company, copartnership or corporation."

Amendment adopted.

Also:

On page 4, Section 12, line 14, of printed bill, insert after the word "person" a comma.

Amendment adopted.

Also:

On page 4, Section 12, line 15, of printed bill, insert before the word "violating" the words "firm, company, copartnership or officer of a corporation."

Amendment adopted.

Also:

On page 5, Section 13, line 6, of printed bill, strike out the word "or," and insert in lieu thereof the word "of."

Amendment adopted.

Also:

On page 6, Section 16, line 24, of printed bill, insert after the word "one" the words "or more."

Amendment adopted.

Also:

On page 7, Section 18, line 1, of printed bill, insert after the word "copartnership" the words "doing a banking business."

Amendment adopted.

Also:

On page 7, Section 19, line 2, of printed bill, insert before the word "surplus" the word "the."

Amendment adopted.

Also:

On page 7, Section 19, line 2, of printed bill, strike out the words "by whatever name called, in published statements."

Amendment adopted.

Also:

On page 7, Section 19, line 3, of printed bill, after the word "of" insert the word "its."

Amendment adopted.

Also:

On page 7, Section 19, line 4, of printed bill, before the word "liabilities" insert the word "deposit."

Amendment adopted.

Also:

On page 7, Section 19, line 4, of printed bill, insert after the word "liabilities" the word "shall."

Amendment adopted.

Also:

On page 7, Section 19, line 4, of printed bill, strike out the word "to."

Amendment adopted.

Also:

On page 7, Section 19, line 5, of printed bill, strike out the word "to." and insert in lieu thereof the words "shall said paid up capital."

Amendment adopted.

Also:

On page 8, Section 20, line 9, of printed bill, insert after the word "bank" the words "or banks."

Amendment adopted.

Also:

On page 9, Section 24, line 5, of printed bill, strike out the word "This." and insert in lieu thereof the word "Each."

Amendment adopted.

Also:

On page 9, Section 24, line 5, of printed bill, insert after the word "certificate" the words "herein provided for."

Amendment adopted.

Also:

On page 9, Section 24, line 8, strike out comma after the word "capital." and insert the word "in" after the word "paid."

Amendment adopted.

Also:

On page 9, Section 24, line 8, of printed bill, after the word "and" insert the words "the provisions of this Act complied with."

Amendment adopted.

Also:

On page 9, Section 24, line 8, of printed bill, strike out the word "the." and insert in lieu thereof the word "The."

Amendment adopted.

Also:

On page 11, Section 29, line 5, of printed bill, after the word "of" insert the words "part IV, title 1."

Amendment adopted.

Also:

On page 12, Section 32, line 5, of printed bill, insert after the word "act" the following: "The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony."

Amendment adopted.

Also:

On page 13, Section 35, line 13, of printed bill, strike out the words "these provisions," and insert in lieu thereof "this provision."

Amendment adopted.

Also:

On page 14, Section 37, line 1, of printed bill, after the word "purchase" insert the word "or."

Amendment adopted.

Also:

On page 15, Section 44, line 5, of printed bill, strike out the period after the word "bank," and insert in lieu thereof a semicolon and the following words: "*provided* that no loan upon the capital stock of any bank shall be made unless such bank has been in existence for two or more years and has earned and paid a dividend upon its capital stock."

Amendment adopted.

Also:

On page 17, Section 51, line 4, of printed bill, insert the word "executor" and a comma before the word "administrator."

Amendment adopted.

Also:

On page 17, Section 60, line 5, of printed bill, strike out the period, and insert in lieu thereof a semicolon and the following words: "*provided* that nothing herein shall be construed to affect the provisions of section twenty-three of this Act relative to the capital stock required of banks doing a departmental business."

Amendment adopted.

Also:

On page 21, Section 64, line 10, of printed bill, strike out the word "cent" and the period, and insert in lieu thereof the word "centum."

Amendment adopted.

Also:

On page 22, Section 67, subdivision 1, line 3, of printed bill, strike out the period and insert a semicolon and the following words: "*provided* that no loans shall be made on unsecured notes."

Amendment adopted.

Also:

On page 24, Section 81, line 3, of printed bill, insert before the word "not" the word "but."

Amendment adopted.

Also:

On page 24, Section 82, line 6, of printed bill, strike out figures "24," and insert in lieu thereof the words "twenty-four."

Amendment adopted.

Also:

On page 24, Section 82, line 6, of printed bill, strike out the period, and insert in lieu thereof a semicolon, and the following words: "*provided* that nothing herein shall be construed to affect the provisions of section twenty-three of this Act relative to the capital stock required of banks doing a departmental business."

Amendment adopted.

Also:

On page 25, Section 83, line 7, of printed bill, insert after the word "the" the following words: "amount, value, and character of the."

Amendment adopted.

Also:

On page 29, Section 98, line 10, of printed bill, strike out the words "one hundred," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 29, Section 100, line 3, of printed bill, insert after the word "of" the words "a majority of its board of directors or."

Amendment adopted.

Also:

On page 31, Section 106, line 4, of printed bill, strike out the word "a," and insert in lieu thereof the word "the."

Amendment adopted.

Also:

On page 31, Section 106, line 4, of printed bill, strike out after the word "capital" the words "for each of said departments equal to the capital," and insert in lieu thereof the words "as provided in section twenty-three of this Act."

Amendment adopted.

Also:

On page 31, Section 106, lines 5 and 6, of printed bill, strike out the words "required by this Act if such department were conducted by a separate corporation."

Amendment adopted.

Also:

On page 31, Section 106, line 10, of printed bill, strike out the word "department," and insert in lieu thereof the word "departmental."

Amendment adopted.

Also:

On page 33, Section 121, line 28, of printed bill, strike out the words "assistant superintendent of banks," and insert in lieu thereof the words "chief deputy."

Amendment adopted.

Also:

On page 33, Section 123, line 5, of printed bill, insert after the word "deputy" the word "attorney" and a comma.

Amendment adopted.

Also:

On page 33, Section 123, line 10, of printed bill, strike out the word "licenses," and insert in lieu thereof the words "certificates of authorization from the superintendent of banks."

Amendment adopted.

Also:

On page 35, Section 124, lines 32 and 33, of printed bill, strike out the words "corporation or individual banker," and insert in lieu thereof the word "bank."

Amendment adopted.

Also:

On page 36, Section 129, strike out lines 1, 2, and 3, of printed bill, and insert in lieu thereof the following:

"Sec. 129. Every bank doing a departmental business shall render to the superintendent of banks for each department conducted by it, a separate report showing in detail as required by section one hundred thirty of this Act, the actual financial

condition of such department and shall at the time of furnishing said report separately publish the statement for each department as provided in section one hundred thirty-two of this Act."

Amendment adopted.

Also:

On page 39, Section 134, line 4, of printed bill, insert after the word "seal" the words "which seal must be adopted by him," and a comma.

Amendment adopted.

Also:

On page 41, Section 136, line 80, of printed bill, strike out the comma and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 43, Section 136, line 155, of printed bill, strike out the words "or his."

Amendment adopted.

Also:

On page 44, Section 137, line 10, of printed bill, insert after the word "school" the word "land."

Amendment adopted.

Also:

On page 44, Section 137, line 20, of printed bill, insert before the word "drawn" the word "be."

Amendment adopted.

Also:

On page 44, Section 137, line 23, of printed bill, insert after the word "school" the word "land."

Amendment adopted.

Also:

On page 46, Section 139, line 36, of printed bill, insert after the word "specified" the words "the directors of."

Amendment adopted.

Also:

On page 38, Section 132, line 15, of printed bill, strike out the comma and insert a semicolon.

Amendment adopted.

Also:

On page 47, Section 141, line 11, strike out the word "certificate," and insert in lieu thereof the word "application."

Amendment adopted.

Also:

On page 47, Section 141, subdivision (g), line 32, of printed bill, strike out period and insert in lieu thereof a comma and the following words: "or in course of liquidation" and a period.

Amendment adopted.

Also:

On page 47, Section 142, line 2, of printed bill, strike out the words "to the attorney general" and the comma.

Amendment adopted.

Also:

On page 48, Section 143, strike out of printed bill lines 5, 6, and 7, and insert in lieu thereof the following words: "forthwith take action as provided in sections one hundred thirty-three, one hundred thirty-four, and one hundred thirty-six of."

Amendment adopted.

And, also, the following amendments were submitted by committee, and ordered printed in the Journal:

On page 9, Section 23, of printed bill, strike out lines 1, 2, 3, 4, 5, 6, and 7, and insert in lieu thereof the following:

Sec. 23. Every bank doing a departmental business, shall have paid up in cash a capital stock of not less than twenty-five thousand dollars if it transacts both a commercial and savings business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a commercial and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a savings and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business. Such capital stock shall be increased from time to time in the same manner and to the same extent as provided for in section nineteen of this Act.

Also: On page 22, Section 67, of printed bill, strike out subdivision 3, being lines 8, 9, 10, 11, 12, 13, and 14, and insert in lieu thereof the following:

3. No savings bank shall loan money to exceed ninety per centum of the market value of bonds specified in subdivisions (a), (b), (c), and (d) of subdivision three of section sixty-one of this Act, and no more than eighty-five per centum of the market value of bonds specified in subdivision (e) of subdivision three of section sixty-one of this Act, and no more than seventy-five per centum of the market value of bonds specified in subdivisions (f) and (g) of subdivision three of section sixty-one of this Act, and no more than sixty-five per centum of the market value of personal property and stocks of corporations or banks; *provided, however*, that no loan shall be made upon the capital stock of any corporation or bank unless such corporation or bank has been in existence for two or more years and has earned and paid a dividend on its capital stock.

Also: On page 32, Section 121, line 13, of printed bill, strike out period and insert semicolon and the following words: "*provided, however*, that the total expenditure provided for in this Act shall not exceed seventy-five thousand dollars per annum."

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the three last-named amendments, submitted by committee, be made a special order for Monday, February 1, 1909, immediately after the reading of the Journal.

Bill read second time.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wright: Senate Concurrent Resolution No. 4—Relative to the Alaska-Yukon-Pacific Exposition.

Senate concurrent resolution referred to Committee on Contingent Expenses.

By Senator Bates: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Bill read first time, and referred to Committee on Corporations.

By Senator Savage: Senate Bill No. 707—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, by adding a new section thereto to be numbered Section 1742 relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hurd: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Bills: Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Leavitt: Senate Bill No. 711—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 714—An Act appropriating the sum one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 715—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 716—An Act appropriating the sum two thousand five hundred dollars for the purchase of sterilizers, and ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Holohan: Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the

acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." approved March 31, 1891, and as amended by a certain Act provided March 26, 1895.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Walker: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Martinelli: Senate Bill No. 719—An Act to amend sections two hundred and four and two hundred and five of the Code of Civil Procedure of the State of California, relating to the selection of trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 720—An Act providing for the building of cottages for guards at the State prison at San Quentin, and appropriating money therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Estudillo: Senate Bill No. 722—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 723—An Act to amend Section 626c of the Penal Code of California, relative to the taking, killing or destroying of ring-neck or versicolored pheasant, swans, quails, and partridges.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 724—An Act to provide for the purchase of land for the branch Agricultural Experiment Station located at Riverside, California, for the erection and construction of buildings thereon, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 725—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands: to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Stetson: Senate Bill No. 726—An Act to amend Section

928 of the Penal Code of the State of California to the duties of grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 727—An Act making an appropriation to pay the claim of the Oakland Paving Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Birdsell: Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 731—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Bill read first time, and referred to Committee on Corporations.

By Senator Thompson: Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands, and costs and attorney's fees in such proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor;

and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 737—An Act to amend section three of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read first time, and referred to Committee on Finance.

By Senator Anthony: Senate Bill No. 738—An Act to amend subdivision twenty-nine of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to jurisdiction and power of boards of supervisors to provide for the useful and appropriate employment on public enterprises, at hard labor and subject to corporeal punishment of prisoners confined in the county jail under judgment of conviction for misdemeanor, and making it mandatory for such boards to pass and approve as weekly urgency claims against the general fund of the county compensation for such employment to prisoners having depending upon them minor children for support, and also providing for the direct payment of the compensation to the legal custodian or guardian of the children.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 739—An Act to amend Section 718 of the Civil Code of the State of California, relating to the term for which leases may be made of town or city lots.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 740—An Act to add a new section to the Civil Code of the State of California, to be numbered four hundred and eleven, relative to restoring foreign corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Constitutional Amendment No. 32—Proposed amendment to Article II of the Constitution, relative to the right of suffrage and the definition and qualification of electors, and determining in what counties electors may vote.

Senate constitutional amendment referred to Committee on Elections and Election Laws.

By Senator Willis: Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Boynton: Senate Joint Resolution No. 12—Relating to irrigation by the United States Reclamation Service in California.

Senate joint resolution referred to Committee on Irrigation.

By Senator Caminetti: Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402*e*, relating to the carrying or transporting by common carriers of certain explosives.

Bill read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF BILL.

Senator Willis asked for, and was granted unanimous consent to withdraw Senate Bill No. 479—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom for game and fish preservation and restoration.

Senate Bill No. 479 withdrawn and ordered stricken from the file.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Savage asked for, and was granted unanimous consent to take up Senate Joint Resolution No. 9 for immediate consideration.

SENATE JOINT RESOLUTION No. 9.

Relative to requesting the Secretary of War to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

WHEREAS, Congress of the United States has heretofore appropriated money for the dredging of a channel in and from San Pedro harbor and for other purposes in connection therewith; and

WHEREAS, Work has been progressing at said place under the direction of Captain Amos A. Fries; and

WHEREAS, Said Captain Amos A. Fries has recommended to the said Board of Engineers for rivers and harbors an appropriation of money for dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War, July 29th, 1908, under the authority of a joint resolution of Congress approved March 26th, 1908; and

WHEREAS, The Consolidated Lumber Company, a corporation, which controls about fifty acres along the northeasterly bank of the Wilmington lagoon, commenced, on the 18th day of November, 1908, to dredge a channel, at its own cost, 200 feet wide and about 3500 feet long, with a depth of 18 feet at mean low water, with a turning basin at the head of said channel, and has dedicated the ground for said channel to the United States Government; therefore, be it

Resolved by the Senate and Assembly jointly. That the Secretary of War be and he is hereby requested to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17th, 1907, and that said board recommend dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the Secretary of War July 29th, 1908, under authority of a joint resolution of Congress approved March 26th, 1908, in order that the main harbor at San Pedro will be connected with the channel and turning basin now being dredged by the said Consolidated Lumber Company, in order that the present class of vessels coming into San Pedro harbor may proceed to said turning basin and thus approach two miles nearer to the city of Los Angeles, California.

Joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt,

Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.
 NOES—None.

Senate Joint Resolution No. 9 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

On motion of Senator Willis, Senate Bill No. 35 was temporarily passed on file, to retain its place.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By striking out of Section 1, line 5, the word "other."

Also:

After the word "issues," page 1, line 7, printed bill, insert the following: "which may be submitted to them by the court."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—33.

NOES—Senators Curtin and Weed—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education and text-books.

and providing for free text-books—and report that the same has been correctly engrossed.

STROBRIDGE, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

Senate Bill No. 205 temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 110—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160—An Act to establish a bird and arbor day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Lewis, Martinelli, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two,

in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act." approved March 14, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 57—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in refer-

ence to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act with an emergency clause."

Senate Bill No. 57 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Read third time.

On motion of Senator Stetson Senate Bill No. 98 was temporarily passed on file, to retain its place.

Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 153—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 refused passage by the following vote:

AYES—Senators Anthony, Black, Burnett, Caminetti, Curtin, Finn, Hare, Kennedy, Lewis, Weed, Welch, and Wolfe—12.

NOES—Senators Bates, Bell, Bills, Birdsall, Boynton, Cullen, Estudillo, Holohan, Hurd, Leavitt, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Willis, and Wright—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Savage gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 73 was this day refused passage.

SUSPENSION OF RULES.

Senator Wright moved that Rule 1 of the Standing Rules of the Senate be suspended for this day.

Motion duly seconded, and unanimously carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 342 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and im-

provements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 4023½, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By striking out enacting clause, and inserting in lieu thereof the following: The people of the State of California, represented in senate and assembly, do enact as follows:

Also:

By inserting after the enacting clause the following:

“Section 1. A new section is hereby added to the Penal Code of the State of California to be numbered four hundred three and three-fourths and to read as follows:”

Also:

Amend line 1, page 1, by striking out the word “section.”

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 324, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee and amendments adopted.

Senate Bill No. 324 ordered to print and reëngrossment.

SECOND READING OF BILLS.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled “An Act to amend Section 1 of an Act entitled ‘An Act to provide for changing the boundaries of cities and

municipal corporations, and to exclude territory therefrom." approved March 20, 1889; approved March 21, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

During second reading of bill, the following amendments were submitted by committee:

On page 6, Section 12, line 8, strike out the figures "2,500" and insert in lieu thereof the following: "10,000."

Amendment adopted.

Also:

On page 6, Section 12, line 9, strike out the figures "1,250." and insert in lieu thereof the following: "7,500."

Amendment adopted.

Also:

On page 6, Section 12, line 10, strike out the figures "375," and insert in lieu thereof the following: "1,500."

Amendment adopted.

Also:

On page 6, Section 12, line 11, strike out the figures "275," and insert in lieu thereof the following: "1,100."

Amendment adopted.

Also:

On page 6, strike out all of Section 13.

Amendment adopted.

Also:

On page 6, Section 12, line 7, strike out the figures "5,000," and insert in lieu thereof the following: "15,000."

Amendment adopted.

Also:

On page 6, Section 12, line 12, strike out the figures "175," and insert in lieu thereof the following: "700."

Amendment adopted.

Also:

On page 7, Section 12, line 13, strike out the figures "125," and insert in lieu thereof the following: "500."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 4, strike out the word "Section," and insert in lieu thereof the following: "Sec."

Amendment adopted.

Also:

On page 2, Section 3, line 3, strike out the word "Section," and insert in lieu thereof the following: "Sec."

Amendment adopted.

Also:

On page 2, Section 4, line 3, strike out the word "Section," and insert in lieu thereof the following: "Sec."

Amendment adopted.

And:

On page 3, Section 5, line 3, strike out the word "Section," and insert in lieu thereof the following: "Sec."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the comma after the word "infected."

Amendment adopted.

And:

On page 1, Section 2, line 4, after the word "with" insert the following: ", or to have been exposed to infection from."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco and for laying a concrete sidewalk along the property of said school.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, Cal., and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 3, by striking out the word "ten," and inserting in lieu thereof the word "five."

Amendment adopted.

Also:

Strike out all of section four.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, Cal., and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 3, by striking out the word "ten," and inserting in lieu thereof the word "five."

Amendment adopted.

Also:

Strike out all of section four.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 470—An Act making an appropriation to pay the claim of the Southern Construction Company, for the grading of Campus avenue, at the State Normal School, San Diego, Cal.

On motion of Senator Wright, Senate Bill No. 470 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

Senate Bill No. 457 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 3, strike out all of Section 11.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced out of order:

By Senator Bates: Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 746—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At one o'clock P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned until Friday, January 29, 1909, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Friday, January 29, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 28, 1909, the further reading was dispensed with, on motion of Senator Willis.

LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Weed was, on motion of Senator Leavitt, granted leave of absence for this day.

PETITION.

The following petition was presented, and ordered printed in the Journal:

By the President:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

W. J. Welch, Walter Bair, A. E. Tuft, G. L. Kennard, W. E. Parker, Jr., and others.

RESOLUTION.

The following resolution was offered:

By Senator Estudillo:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to dispose of the old and useless furniture of the Senate by sale, or in case said furniture can not be sold, to give it away to charitable institutions.

Resolution read, and referred to Committee on Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

WEED, Chairman.

Senate Bill No. 30 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 63—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

WEED, Chairman

Assembly Bill No. 63 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 513—An Act to amend Section 290*a* of the Civil Code relating to corporations authorized to act as executor, administrator guardian, assignee, receiver, depository or trustee.

Also: Senate Bill No. 448. An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.'" (approved March 20, 1889; approved March 21, 1905).

Also: Senate Bill No. 552. An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 553. An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Also: Senate Bill No. 235. An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 309. An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Senate Bill No. 361. An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Also: Senate Bill No. 451. An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Also: Senate Bill No. 40. An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of state hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 513, 448, 552, 553, 235, 309, 361, 451, and 40 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 2. Approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909 - and report that the same has been correctly enrolled, and presented the same to the Governor on this 29th day of January, 1909, at ten o'clock and thirty minutes A. M.

STROBRIDGE, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate No. 188—An Act to amend Section 3788 of the Political Code of the State of California, relating to the sale and redemption of lands acquired under tax sales by the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be withdrawn.

WILLIS, Chairman.

WITHDRAWAL OF BILL.

Senator Willis, upon behalf of Senator Miller, asked for and was granted unanimous consent to withdraw Senate Bill No. 188—An Act to amend Section 3788 of the Political Code of the State of California, relating to the sale and redemption of lands acquired under tax sales by the State of California.

Senate Bill No. 188 withdrawn, and ordered stricken from the file.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bill No. 232 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 179—An Act to amend Sections 270, 270a, and 270b of the Penal Code of California—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 179 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00 payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Roscherry, Rush, Sanford, Stetson, Strobridge, Walker, Welch, Wolfe, and Wright—30.

NOES—None.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the Board of Trustees, the appointment of a Board of Trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 12 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 481—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also, Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also, Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back,

with the recommendation that they do pass and be referred to the Committee on Finance.

WRIGHT, Chairman.

Senate Bills Nos. 481, 227, and 485 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco, to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people"—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be referred to the Committee on Finance.

WRIGHT, Chairman.

Senate Bill No. 226 ordered referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 24—To propose to the people of the State of California, an amendment to Article IX, Section 6, of the Constitution of the State of California, relative to the mode of selecting superintendents of schools—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

BLACK, Chairman.

Senate Constitutional Amendment No. 24 ordered on file.

WITHDRAWAL OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IX, Section 6, of the Constitution of the State of California, relative to mode of selecting Superintendents of Schools.

Senate Constitutional Amendment No. 24 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 69 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 145 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 197—An Act to provide for the union of two or more high school districts, the filing of a petition with the county Superintendent of schools to submit the question of uniting union high school districts and calling for an election therefor, and the canvassing of the votes cast at said election—have had the same under consideration, and respectfully report the same back, with a substitute bill, and recommend that the substitute do pass.

BLACK, Chairman.

Report of committee adopted.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

By Committee on Education: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read first time, and ordered on file.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to introduce a joint resolution out of order.

By Senator Wolfe: Senate Joint Resolution No. 13—Relative to the use of sulphur dioxid in dried fruit.

MOTION.

On motion of Senator Wolfe, Senate Joint Resolution No. 13 was ordered on file, without reference to committee.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 59 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 524—An Act to provide for public cemetery districts—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 524 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway high-

ways for steam, electric, motor, and other train service—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted as amended.

BIRDSALL, Chairman.

Senate Constitutional Amendment No. 26 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hartman: Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 750—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 751—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in the Justices' Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Estudillo (by request): Senate Constitutional Amendment No. 33—Relative to the number of the members of the grand jury.

Senate constitutional amendment referred to Committee on Judiciary.

Also (by request): Senate Constitutional Amendment No. 34—Relative to trial by jury.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 753—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expense of such investigations.

Bill read first time, and referred to Committee on Finance.

By Senator Stetson: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Hurd: Senate Bill No. 755—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the clerk of the Supreme Court.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the clerk of the Supreme Court.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the clerk of the Supreme Court.

Bill read first time, and referred to Committee on Finance.

By Senator Campbell: Senate Bill No. 759—An Act to amend Section 717 of the Civil Code of the State of California, in reference to leases of agricultural lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator McCartney: Senate Bill No. 761—An Act to amend Section 124 of the Code of Civil Procedure, relating to the denial of divorces.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Anthony: Senate Constitutional Amendment No. 35—Proposed amendment to Article IX of the Constitution, relative to election of superintendent of schools.

Senate constitutional amendment referred to Committee on Education.

MOTION TO RECONSIDER CARRIED.

In compliance with the notice given on previous day by Senator Savage, Senator Savage moved that the vote whereby Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897, was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Welch, and Willis—27.

NOES—Senators Hurd and Wright—2.

MOTION.

On motion of Senator Savage, Senate Bill No. 73 was ordered re-referred to the Committee on Labor, Capital, and Immigration.

CONSIDERATION OF DAILY FILE THIRD READING OF BILLS.

Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Cartwright, Curtin, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Willis, and Wright—24.

NOES—Senators Black and Walker—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the Boards of Education and text-books and providing for free text-books.

On motion of Senator Estudillo, Senate Constitutional Amendment No. 2 was temporarily passed on file, to retain its place.

Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195, of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 40 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Savage, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 57—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act with an emergency clause."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 refused passage by the following vote:

AYES—Senators Bell, Caminetti, Campbell, Cartwright, Holohan, Sanford, and Stetson—7.

NOES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Savage, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—29.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Leavitt of the Sixteenth District, in the chair.

Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy,

Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Senate Bill No. 513 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California, entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

Read third time.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 552 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Senate Bill No. 553 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco and for laying a concrete sidewalk along the property of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 309 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Mar-

tinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Welch, and Willis—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Strobbridge moved to refer to Senator Stetson, as a special committee of one, to amend as follows:

By inserting:

"Section 1. Section 852 of an Act entitled 'An Act to provide for the organization, incorporation and government of municipal corporations,' approved March 13, 1883, is hereby amended to read as follows:" immediately following the enacting clause.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 552, with instructions to amend, respectfully report the same back, amended as per instructions.

STETSON, Committee.

Report of special committee and amendment adopted.

Senate Bill No. 552 ordered to print and reëngrossment.

WITHDRAWAL OF BILLS.

Senator Wright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 470—An Act making an appropriation to pay the claim of the Southern Construction Company, for the grading of Campus avenue, at the State Normal School, San Diego, California.

Senate Bill No. 470 withdrawn, and ordered stricken from the file.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bill No. 457—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

Senate Bill No. 457 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

On motion of Senator Willis, Senate Bill No. 334 was temporarily passed on file, to retain its place.

Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.' "

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

During the second reading of bill, the following amendment was submitted by committee:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

During second reading of bill, the following amendment was submitted by committee:

Strike out section two (2).

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 6.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 189—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 11, strike out the word "twenty," and insert in lieu thereof the following: "fifteen."

Amendment adopted.

Also:

On page 1, Section 1, strike out all of lines 10, 11, 12, 13, and 14, and insert in lieu thereof the following: "He shall procure rooms necessary for offices, at a rent not to exceed the sum of one hundred and fifty dollars per month."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.

During second reading of bill, the following amendment was submitted by committee:

On pages 2 and 3, strike out the entire Section 2. Make Section 3 Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

During second reading of bill, the following amendments were submitted by committee:

On page 3, Section 10, line 3, strike out all of the words after "be," on lines 3, 4, 5, and 6, and insert in lieu thereof the following: "guilty of a misdemeanor."

Amendment adopted.

Also:

On page 2, Section 4, line 11, strike out the word "twelve," and insert in lieu thereof the following: "six."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

PERMISSION FOR USE OF SENATE CHAMBER GRANTED.

On request of Senator McCartney, the Senate granted permission to the Senate Committee on Revenue and Taxation to have the use of the Senate Chamber for the purpose of holding a session of said committee on Thursday evening, February 4, 1909.

INTRODUCTION AND FIRST READING OF BILLS—OUT OF ORDER.

The following bills were introduced out of order:

By Senator Willis: Senate Bill No. 764—An Act to amend Section 628 of the Penal Code, relating to lobster, crawfish, shrimps, crab, sturgeon, and abalones.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Wright: Senate Bill No. 765—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At twelve o'clock and thirty minutes p. m., on motion of Senator Wright, the Acting President declared the Senate adjourned until Monday, February 1, 1909, at eleven o'clock a. m.

IN SENATE.

SENATE CHAMBER,

Monday, February 1, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd,

Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39

Quorum present.

PRAYER.

Prayer by the Rev. Father O. J. McMullen.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 29, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVE OF ABSENCE.

Senator Martinelli was, on motion of Senator Sanford, granted leave of absence for this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of pending amendments to Senate Bill No. 18, the same was taken up for consideration.

Senate Bill No. 18—An Act to define and regulate the business of banking.

During second reading of bill, the following amendments were submitted by committee:

On page 9, Section 23, of printed bill, strike out lines 1, 2, 3, 4, 5, 6, and 7, and insert in lieu thereof the following:

SEC. 23. Every bank doing a departmental business, shall have paid up in cash a capital stock of not less than twenty-five thousand dollars if it transacts both a commercial and savings business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a commercial and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a savings and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business. Such capital stock shall be increased from time to time in the same manner and to the same extent as provided for in section nineteen of this Act.

Amendment adopted.

Also:

On page 22, Section 67, of printed bill, strike out subdivision 3, being lines 8, 9, 10, 11, 12, 13, and 14, and insert in lieu thereof the following:

3. No savings bank shall loan money to exceed ninety per centum of the market value of bonds specified in subdivisions (a), (b), (c), and (d) of subdivision three of section sixty-one of this Act, and no more than eighty-five per centum of the market value of bonds specified in subdivision (e) of subdivision three of section sixty-one of this Act, and no more than seventy-five per centum of the market value of bonds specified in subdivisions (f) and (g) of subdivision three of section sixty-one of this Act, and no more than sixty-five per centum of the market value of personal property and stocks of corporations or banks; *provided, however*, that no loan shall be made upon the capital stock of any corporation or bank unless such corporation or bank has been in existence for two or more years and has earned and paid a dividend on its capital stock.

Amendment adopted.

Also:

On page 32, Section 121, line 13, of printed bill, strike out period and insert semicolon and the following words: "*provided, however*, that the total expenditure provided for in this Act shall not exceed seventy-five thousand dollars per annum."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bill No. 13 be made a special order for Wednesday, February 3, 1909, immediately after the reading of the Journal.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Also: Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Also: Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*a* and 3196*b*, relating to the protection of farm names.

Also: Assembly Bill No. 607—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Also: Adopted Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

Also: Passed Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty seven *a*, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class, and providing for their compensation.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 47, 176, 373, 607, and 731 read first time.

Assembly Bills Nos. 47, 176, and 731 ordered referred to Committee on Finance.

Assembly Bill No. 373 ordered referred to Committee on Judiciary.

Assembly Bill No. 607 ordered referred to Committee on Public Health and Quarantine.

Senate Concurrent Resolution No. 1 and Senate Bill No. 78 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 8—An Act to amend Sections 270, 271, and 271*a* of the Penal Code of the State of California, all relating to crimes against children.

Also: Assembly Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court, and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.

Also: Assembly Bill No. 125—An Act transferring the sum of \$80,000 from the general fund to the estates of deceased persons fund.

Also: Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Also: Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Also: Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

Also: Assembly Bill No. 293—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Court.

Also: Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Also: Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relative to spoiled or unused ballots.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different state officers.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Also: Adopted Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.

CLIO LLOYD, Chief Clerk of the Assembly
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 8, 111, 125, 198, 200, 246, 293, 611, and 617 read first time.

Assembly Bills Nos. 8, 111, 125, 200, and 293 ordered referred to the Committee on Judiciary.

Assembly Bills Nos. 198 and 246 ordered referred to the Committee on Education.

Assembly Bill No. 611 ordered referred to the Committee on Finance.

Assembly Bill No. 617 ordered referred to the Committee on Elections and Election Laws.

Senate Bills Nos. 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 313 ordered to enrollment.

Senate Joint Resolution No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also: Assembly Bill No. 67—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Also: Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Also: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville,' approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874."

Also: Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville, approved April 1, 1864."

Also: Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchases.

Also: Assembly Bill No. 383—An Act to amend the Civil Code, by adding thereto a new section to be numbered 2604, relating to assignment of wages of employee and protection of family of employee and his employer from effect of such assignment.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bills Nos. 140, 67, 377, 314, 316, 11, and 383, read first time.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 189—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883—and substitute therefor Assembly Bill No. 140.

Senate Bill No. 189 withdrawn and ordered stricken from the file and Assembly Bill No. 140 ordered on file.

Assembly Bill No. 140 ordered on file without reference to committee.

Assembly Bills Nos. 67, 11, and 383 ordered referred to Committee on Judiciary.

Assembly Bill No. 377 ordered referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 314 and 316 ordered referred to Committee on Education.

Also:

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9—Relative to requesting the Secretary of War to advise the United States Board of Engineers for rivers and harbors to reconsider its action on the report of Captain Ames A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOREY, Assistant Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Welch:

Resolved. That the name of James Dennigan be stricken from the roll of attachés as Porter, at \$3.00 per day, and in his stead the name of J. R. Wells, be substituted to serve as Porter at \$3.00 per day, same to take effect this day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Curtin, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Whereupon the President ordered the substitution made, and declared the above named person had been elected.

Also:

By Senator Wright:

WHEREAS, The thirty-seventh session of the Legislature of the State of California by a concurrent resolution authorized the appointment of a joint harbor committee of six, consisting of three Senators and a like number from the Assembly, to examine and report as to the needs of the several harbors of the State, and directed that the traveling and incidental expenses of the committee should be paid from the contingent expenses of the respective houses; now, therefore, be it

Resolved, That the State Controller be, and he is hereby, authorized to draw his warrant upon the contingent fund of the Senate in favor of:

W. W. Shannon, State Printer, in the sum of.....	\$539 00
(being one half of the expenses of the State Printer in publishing report of said committee.)	
Senator E. I. Wolfe	160 00
Senator T. J. Kennedy	350 00
Senator Leroy A. Wright.....	725 20
A. G. Stacey, Secretary of said committee	750 00

And the State Treasurer is hereby directed to cash said warrants.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Curtin, Cutton, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, and Willis—27.

NOES—None.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to introduce a joint resolution out of order.

By Senator Caminetti: Senate Joint Resolution No. 14—Relative to the preservation of the grove of Calaveras Big Trees.

Senate joint resolution referred to the Committee on Federal Relations.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 14.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Senate Concurrent Resolution No. 4—Relative to the Alaska-Yukon Exposition—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted as amended.

WOLFE, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 4 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 4.

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially repre-

sented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, 1909; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That, as part of such celebration, the Lieutenant-Governor shall appoint five members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem of the Senate, and the Speaker, and the Speaker pro tem of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved. That, for the purpose aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Senate concurrent resolution read.

During the reading of the concurrent resolution, the following amendments were submitted by committee:

After the word "Assembly," in line 15, insert the following: "the Secretary of the Senate and the Sergeant-at-Arms of the Senate."

Amendment adopted.

Also:

Strike out of line 14, the word "and."

Amendment adopted.

On motion of Senator Curtin, Senate Concurrent Resolution No. 4 was temporarily passed on file, to retain its place.

PRESIDENT PRO TEM. E. I. WOLFE IN CHAIR.

At eleven o'clock and thirty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same—have had the same under consideration, and respectfully report the same back as amended, without recommendation.

WILLIS, Chairman.

Senate Bill No. 47 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 623—An Act to amend Section 6972 of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bill No. 623 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 335—An Act to secure uniform public accounting and making an appropriation therefor.

Also: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to the Committee on Finance.

WILLIS, Chairman.

Senate Bills Nos. 335 and 583 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 507 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 3—Relative to approving three certain amendments to the charter of the city of San Bernardino—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted.

WILLIS, Chairman.

Senate Concurrent Resolution No. 3 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 580—An Act to provide for a school of library training—have had the same under consideration, and respectfully report the same back with the recommendation that the same be referred to Committee on Finance as amended.

WILLIS, Chairman.

Senate Bill No. 580 ordered referred to the Committee on Finance.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

Also: Senate Bill No. 130—An Act to amend section two thousand nine hundred seventy-nine of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 131—An Act to amend section four thousand two hundred twenty-five of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one, and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Also: Senate Bill No. 471—An Act to amend section sixteen hundred and seventeen of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Also: Senate Bill No. 8—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 238—An Act to amend an Act entitled, "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 103.

Also: Senate Bill No. 151—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Senate Bill No. 13—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general, permanent powers of boards of supervisors.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code, as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Also: Senate Bill No. 96—An Act to add a new section to the Penal Code of California, relating to the desecration, mutilation or improper use of the flag of the United States of America.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled, "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes thereon; the issuance and disposal of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r, and 1426s, providing for the manner of locating hole and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of and proofs of labor on mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled 'An Act relating to the working, rights of way, easement and drainage of mines within the State of California,'" approved March 31, 1891.

Also: Senate Bill No. 77—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or second-

band material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the clerk of the Supreme Court in the city of San Francisco.

Also: Senate Bill No. 271—An Act to authorize the Controller of the State to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor.

Also: Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing.

Also: Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex officio officers of cities.

Also: Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one-half.

Also: Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Also: Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend section one of an Act approved March 20, nineteen hundred and five, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March 7, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

Also: Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code" approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Also: Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also: Senate Bill No. 180—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1884.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 285, 180, 130, 131, 132, 471, 8, 238, 151, 264, 343, 15, 198, 352, 450, 453, 96, 549, 526, 32, 77, 323, 366, 222, 271, 583, 103, 261, 262, 241, 239, 34, 25, 228, 258, 263, 284, 289, 531, 193, 324, 552, 265, 266, 267, 268, 269, 189, 191, and 192 ordered on file for third reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 7 and Section 10b of said Act.

Also: Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also: Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

MCCARTNEY, Chairman.

Senate Bills Nos. 512, 587, and 667 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create

a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, State railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and be referred to the Committee on Finance.

WRIGHT, Chairman.

Senate Bills Nos. 464 and 465 ordered referred to the Committee on Finance.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 3 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 3.

Approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California, voted for and ratified by the electors of said city of San Bernardino, at a special election held therein for that purpose on the twenty-eighth day of December, 1908.

WHEREAS, The city of San Bernardino, a municipal corporation of the county of San Bernardino, State of California now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and has been, since the year 1905, and now is organized and acting under a freeholders' charter adopted under and pursuant to section eight of article eleven of the constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 30th day of July, 1904, and approved by the legislature of the State of California, on the 30th day of January, 1905 (Stat. 1905, p. 940); and,

WHEREAS, the mayor and common council of the city of San Bernardino did by ordinance number 399, adopted by said mayor and common council on the 19th day of October, 1908, and approved by the mayor of said city on the 19th day of October, 1908, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held for that purpose, in said city, on the 28th day of December, 1908; and,

WHEREAS, said proposed amendments were, and each of them was, published for twenty days, in a daily newspaper printed and published in said city and of general circulation therein, to wit, The Evening Index said publication ending on the 16th day of October, 1908; and,

WHEREAS, The mayor and common council of said city did, by an ordinance known as Ordinance No. 401, which was duly adopted on the 23d day of November, 1908, call and order the holding of a special election in said city of San Bernardino, on the 28th day of December, 1908, (at least forty days after the publication of said proposed amendments for twenty days, in said daily newspaper of general circulation in said city of San Bernardino, to wit: The Evening Index) and did provide in said ordinance for the submission of said proposed amendments to the said charter at said special election, which said ordinance was approved by the mayor of said city on the 23rd day of November, 1908, and was published, for at least ten days prior to the time appointed for the holding of said election, in "The Evening Index," a daily newspaper printed and published in said city; and,

WHEREAS at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify three of said proposed amendments to said charter; and,

WHEREAS The common council of said city of San Bernardino, pursuant to said charter did, at a special meeting thereof, held at 7:30 o'clock p. m. on the second day after said election, duly canvass the returns of said election and duly found, determined, and declared that a majority of such qualified electors voting thereon, had voted for and ratified three of said proposed amendments to said charter; and,

WHEREAS, said three amendments to said charter, so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

It is hereby proposed that subdivision thirteen of section 195 of said charter be amended so as to read as follows:

Thirteenth:—In their discretion to admit nonresident school children to any of the departments of the public schools of the city, upon such terms and conditions as the board may deem just.

It is hereby proposed that Section 182 of the charter of said city be amended so as to read as follows, to wit:—

Section 182. On or after twelve o'clock noon of the second Monday in May next succeeding his election the mayor shall appoint a chief of police, subject to the confirmation of the common council. The chief of police for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or that may hereafter be conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen of the city, and every citizen shall render aid when required for the arrest of offenders and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of the violation of the same. He shall prosecute before the competent tribunal, all breaches or violations of city ordinances.

He shall also have charge of the city prison and prisoners confined therein, and of all those who are sentenced to labor upon the public streets of the city, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council.

The chief of police shall be ex officio tax collector, ex officio license tax collector, and a member of the board of health. He shall collect all taxes and license taxes as prescribed by law and the ordinances of the city. As tax collector and license collector the mayor and common council shall have power to fix extra compensation for the chief of police not to exceed one per cent of the amount actually collected, which shall be in addition to his salary otherwise fixed in this charter.

It is hereby proposed to amend the charter of said city by adding a new section thereto to be known as Section 238a and to read as follows:

Section 238a. The time of service of any laborer, workman, or mechanic employed in or upon any of the public works of the city of San Bernardino, or in or upon any work done by or for said city is hereby limited and restricted to eight hours during any one calendar day and no person shall be employed in or upon any such works except he be a native born or naturalized citizen of the United States, and the minimum wages of laborers employed in the execution of any such works shall be \$2.00 per day; and there shall be inserted in every contract entered into for any such work a stipulation that no person shall be employed in the execution of such contract who is not a native born or naturalized citizen of the United States, and that in the performance of such work eight hours shall be the maximum number of hours that any laborer, workman or mechanic shall be required or permitted to work on any calendar day, and that \$2.00 per day shall be the minimum wages paid to any person employed by the contractor in the execution of his contract; *provided*, that this section shall not apply to cases of extraordinary emergency, caused by fire, flood or danger to life or property, or to work upon any public, military or naval defenses or works in time of war.

STATE OF CALIFORNIA.

County of San Bernardino, } ss.
City of San Bernardino. }

This is to certify that we, J. J. Hanford, mayor, and Harry Allison, clerk of said city of San Bernardino, have compared the foregoing proposed and ratified amendments to the charter of the city of San Bernardino with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election called for that purpose on the 28th day of December, 1908 and find that the foregoing is a full, true and correct and exact copy thereof and we further certify that all facts set forth in the preamble preceding said amendments are, and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the official seal of the city of San Bernardino, to be hereto attached this 20th day of January, 1909.

J. J. HANFORD,

Mayor of the City of San Bernardino

Attest:

HARRY ALLISON, City Clerk.

Now, therefore, be it resolved by the senate of the State of California the assembly thereof concurring by a majority of all members elected to each house voting for the adoption of this resolution and concurring herein: that the said amendments to the charter of the said city of San Bernardino heretofore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be and the same are hereby approved as a whole for and as amendments to the charter of the city of San Bernardino.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reiley, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Concurrent Resolution No. 3 ordered engrossed, and transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC

The following bills, etc., were introduced.

By Senator Estudillo: Senate Bill No. 766—An Act defining state highways, providing for the laying out and adoption of a continuous and connected State highway system and the survey of a right of way therefor, prescribing the powers and duties of the State Department of Engineering in relation thereto, providing for the acquisition of roads and of rights of way and the construction and maintenance of a permanent roadway, and appropriating the moneys necessary to carry out the provisions of this Act.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Roads and Highways.

Also (by request): Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Savage: Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 770—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relating to the grounds upon which a new trial may be granted.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 771—An Act to definitely establish, and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Bill read first time, and referred to Committee on County Government.

By Senator Martinelli: Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards and employees at the State Prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Hurd: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32).

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Kennedy: Senate Bill No. 777—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McCartney: Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of statutes and journals, and reports of State officers and journals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 779—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 780—An Act to amend section four hundred and ten of the Political Code of California, relating to distribution of reports of Supreme and Appellate Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Birdsall: Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages," approved March 31, 1891, amended March 5 1903.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Campbell: Senate Bill No. 783—An Act to amend Section 4180 of the Political Code, relating to the appointment, duties and compensation of official reporters.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 785—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 786—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 790—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

The following bills were introduced:

By Senator Campbell: Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 792—An Act making an appropriation for the

purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Willis: Senate Bill No. 796—An Act to amend section four hundred and twelve of the Penal Code of California, relating to prize fighting.

Bill read first time, and referred to Committee on Public Morals.

By Senator Bills: Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Stetson: Senate Bill No. 799—An Act to amend Section Number 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to settlement of accounts of guardians of insane persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relative to payment of commissions upon sales of real property, under order of court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 802—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750 and 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature, March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Bill read first time, and referred to Committee on Education.

By Senator Cutten: Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 806—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, and amended March 6, 1907, by so defining "estrays" as to include all trespassing domestic animals, charging the costs of keeping chargeable by a taker-up, and shortening time of keeping necessary.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 807—An Act to add a new section, to be numbered 734, to the Civil Code of the State of California, relating to the rights of owners, especially of the rights of owners of property to be protected from trespassing by and from damage done by domestic animals.

Bill read first time, and referred to Committee on Judiciary.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Price, Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office, was ordered re-referred to the Committee on Hospitals and Asylums.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books.

Senate Constitutional Amendment No. 2 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of Superior Judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 180 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cartwright, Cutten, Finn, Hurd, Leavitt, Lewis, McCartney, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 130—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 130 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cutton, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Sanford, Stetson, Thompson, Walker, Weed, and Willis—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Read third time.

On motion of Senator McCartney, Senate Bill No. 131 was temporarily passed on file, to retain its place.

Senate Bill No. 471—An Act to amend Section 1617 of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cutton, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction works at said hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended fifteen minutes.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property,"

approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Read third time.

The question being on the passage of the bill.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and thirty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. F. W. Leavitt, Senator of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment, and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Read third time on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 238 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Estudillo, Finn, Hartman, Hurd, Lewis, McCartney, Miller, Price, Reily, Roseberry, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—25.

NOES—Senators Campbell, Cartwright, Hare, Holohan, Leavitt, Rush, Savage, Strobridge, and Weed—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Miller gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 238 was this day passed.

CONSIDERATION OF BILL (OUT OF ORDER) FOR THE PURPOSE OF AMENDMENT.

Senator McCartney asked for, and was granted, unanimous consent to have Senate Bill No. 131 taken up for the purpose of amendment.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Read third time on this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller as a special committee of one, to amend as follows:

By striking out of Section 4225, line 26, page 2, the words "requires such action the board of supervisors may appoint a," after the word "necessity," line 25, page 2, and inserting the following: "requires such action, the board of supervisors may appoint."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 131, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee and amendments adopted.

Senate Bill No. 131 ordered to print and reëngrossment.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

On motion of Senator Thompson, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-

seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

On motion of Senator Thompson Senate Bill No. 343 was temporarily passed on file, to retain its place.

Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 198 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WILLIS IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general, permanent powers of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At three o'clock and twenty minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF BILLS.

On motion of Senator Walker, the second-reading file of bills was taken up for consideration.

Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 63—An Act to add a section to the Penal Code, to be known as Section 337*a* thereof, relating to gambling by pool selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 179—An Act to amend Sections 270, 270*a*, and 270*b* of the Penal Code of California.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 3, line 3, of the printed bill, after the figures and letter "270*b*," strike out all of the section and insert in lieu thereof the following:

"After arrest and before plea or trial, or after conviction or plea of guilty and before sentence under either Section 270 or 270*a* of this code, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will pay to the person having custody of such child or to such wife, such sum per month as may be fixed by the court in order to thereby provide said minor child or said wife, as the case may be, with necessary food, clothing, shelter, or medical attendance, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for six months; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action or why sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings or sentence for a like period."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half

orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 4, of Senate Bill No. 12, strike out the words: "Sec. 15. This act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1622, line 9, of the printed bill, after the word "of," insert the word "city."

Amendment adopted.

Also:

On page 1, Section 1622, line 9, of the printed bill, after the word "of," insert the word "public."

Amendment adopted.

Also:

On page 1, Section 1622, line 9, of the printed bill, after the word "schools," strike out the "period (.)" and insert the following: "and supervising principals of public schools."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

On motion of Senator Thompson, Senate Bill No. 145 was temporarily passed on file, to retain its place.

Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the words "Reports of physicians and others."

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "Examination of sputum."

Amendment adopted:

Also:

On page 2, Section 3, line 1, strike out the words "protection of records."

Amendment adopted.

Also:

On page 2, Section 4, line 1, strike out the words "disinfection of premises."

Amendment adopted.

Also:

On page 3, Section 5, lines 1 and 2, strike out the words "health officer to direct disinfection, cleansing or renovation."

Amendment adopted.

Also:

On page 3, Section 6, lines 1 and 2, strike out the words "prohibiting occupancy until order of health officer is complied with."

Amendment adopted.

Also:

On page 4, Section 7, lines 1 and 2, strike out the words "prohibiting carelessness of a person having tuberculosis."

Amendment adopted.

Also:

On page 4, Section 8, line 1, strike out the words "Protection of patient's family."

Amendment adopted.

Also:

On page 5, Section 9, lines 1, 2 and 3, strike out the words "providing that physicians shall make a complete statement of procedure and precautions on a blank to be furnished by the health officer, et cetera:"

Amendment adopted.

Also:

On page 6, Section 10, lines 1 and 2, strike out the words "penalty for failures of physicians to perform duties or for making false reports."

Amendment adopted.

Also:

On page 7, Section 11, line 1, strike out the words "reporting recovery of patient."

Amendment adopted.

Also:

On page 7, Section 12, lines 1 and 2, strike out the words "general penalty:" also line two strike out the word "deemed."

Amendment adopted.

And:

On page 7, Section 12, line 5, strike out the period after the word "dollars," and insert in lieu thereof the following, "or shall be imprisoned in a county jail for a period not exceeding six months, or by both such fine and imprisonment."

Amendment adopted.

Also:

On page 7, strike out all of Sections 14 and 15.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 524—An Act to provide for public cemetery districts. Bill read second time, ordered engrossed, and on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER.)

The following bills were introduced out of order:

By Senator Price: Senate Bill 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Bill read first time, and referred to Committee on Finance.

By Committee on Rules: Senate Concurrent Resolution No. 5—Relative to joint rules.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 5.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Concurrent Resolution No. 5 be made a special order for Tuesday, February 2, 1909, immediately after the reading of the Journal.

Motion carried.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 2, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Rev. Father O. J. McMullen.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 1, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Wolfe:

SAN FRANCISCO, CAL., January 25, 1909.

To the State Senate of California:

We, the Presbyterian Union of San Francisco and vicinity, representing over fifty churches about the bay, with a constituency of five to ten thousand, do petition your honorable body to pass the Sunday rest bill now under consideration.

Respectfully submitted.

JOHN S. THOMAS, President.

JAMES M. McELHENNEY, Secretary.

Also:

RESOLUTIONS ADOPTED BY THE SAN FRANCISCO METHODIST MINISTERS' ASSOCIATION, JANUARY 18, 1909.

WHEREAS, There are bills now pending in the Senate and the Assembly of the State of California, designed to put a stop to racetrack gambling in California; and

WHEREAS, The vice of racetrack gambling has grown to alarming proportions, and invades all grades of society with results that are morally, commercially, and industrially destructive; therefore, be it

Resolved, That we, the San Francisco Methodist Ministers' Association, comprising the clergy of the Methodist Episcopal Church resident in the bay cities, and representing in this resolution more than six thousand members of our communion now living in said cities, respectfully urge upon our lawmakers the passage of a law that will effectually destroy this vice.

ELBERT R. DILLE, President.

G. M. RICHMOND, Secretary.

Also:

RESOLUTIONS ADOPTED BY THE METHODIST MINISTERS' ASSOCIATION ON JANUARY 18, 1909.

WHEREAS, There are now pending in both the Senate and the Assembly of the State bills providing that Sunday shall be set aside as a day of rest from labor; and

WHEREAS, We believe that such a law will result in great good to the laboring classes of the State, and that it will prove equally beneficial to the merchant class, by relieving both from the necessity of unremitting toil, and that it will prove morally profitable to all classes of society; therefore, be it

Resolved, That we, the San Francisco Methodist Ministers' Association, comprising the clergy of the Methodist Episcopal Church resident in the bay cities, and speaking most positively for more than six thousand members of our communion living in the bay cities, respectfully urge upon our legislators the passage of an efficient Sunday rest law.

ELBERT R. DILLE, President.

G. M. RICHMOND, Secretary.

SAN FRANCISCO, CAL., January 18, 1909.

Also:

By Senator Black:

LOS GATOS, CAL., January 23, 1909.

To the Honorable Senate of the State of California, Sacramento, Cal.

GENTLEMEN: At the last session of the California Annual Conference of the Methodist Episcopal Church, held at Pacific Grove, September 16-21, 1908, the following resolution was unanimously passed:

Resolved, That our secretary be instructed in behalf of the 20,000 Methodists of our conference to request both houses of the next Legislature to pass a bill that will provide for every business man and wage earner a weekly rest day, and that they shall close all saloons and prohibit commercial public amusements on Sunday.

In compliance with their request, I hereby submit the same to your honorable body, and trust that the same may receive favorable consideration at your hands.

I am, most respectfully yours,

C. E. IRONS.

Secretary of the California Annual Conference
of the Methodist Episcopal Church.

Also:

By Senator McCartney:

LOS ANGELES, CAL., January 23, 1909.

To the Honorable Senate of California.

GENTLEMEN: At the last session of the Southern California Conference of the Methodist Episcopal Church, held in Los Angeles, September 23-28, 1908, the following action was taken, as shown in our printed minutes of this year, page 83:

Resolved. That our secretary, Rev. E. J. Inwood, be instructed on behalf of the 30,000 Methodists of Southern California to memorialize both houses of our next Legislature to pass an effective law that will provide for every business man and laborer a weekly day of rest, with a view to closing all saloons and places of amusement on Sunday.

In the name of the 218 Methodist ministers, and the 32,231 members of our church in this conference, I present this memorial herewith to you.

EDWIN J. INWOOD, Secretary.

Also:

By Senator Bell:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore. The undersigned, business and professional men and laborers hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

W. S. Martin, L. R. Chew, H. Holbrook, Harry Travis, Jos. Gross, and fifty-five others.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

CLIO LLOYD, Chief Clerk of the Assembly,
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 808 read first time, and referred to Committee on Finance.

RESOLUTIONS.

The following resolutions were offered:

By Senator Rush:

Resolved. That the Controller be and he is hereby directed to draw his warrant, payable out of the contingent fund of the Senate, in favor of the Secretary of the Senate in the sum of \$1,962.90 in payment of the following bills:

H. S. Crocker Company.....	\$1,922 90
H. E. Sleeper.....	40 00
	<hr/> \$1,962 90

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Bills:

Resolved. That the sum of \$290.00 is hereby appropriated from the contingent fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the above amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees—have had the same under consideration, and respectfully report the same back with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bill No. 636 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants, and providing a penalty for the violation thereof.

Also: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Also: Senate Bill No. 635—An Act to amend Sections 3197, 3198 and 3199 of the Political Code.

Also: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other states or foreign countries.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 118, 56, 655, 635, and 734 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven a thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Also: Senate Bill No. 232—An Act to repeal section six hundred and forty-four of the Penal Code, relating to enticing seamen to desert their vessels.

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.

Also: Senate Bill No. 524—An Act to provide for public cemetery districts.

Also: Senate Concurrent Resolution No. 3—Approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California, voted for and ratified by the electors of said city of San Bernardino, at a special election held therein for that purpose on the twenty-eighth day of December, 1908.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 30, 232, 747, and 524 ordered on file for third reading.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791

to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be paid to the county treasurer of the County of Sacramento.

Have had the same under consideration, and respectfully report the same back and recommend that they be referred to Committee on Drainage, Swamp and Overflowed Lands.

WALKER, Chairman.

Senate Bills Nos. 653 and 654, ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

THOMPSON, Chairman.

Senate Bills Nos. 684 and 685 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 495, 514, 648, 729, and 694 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 29, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 270 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 808 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1899.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 364 and 752 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back with the recommendation that they be placed on file, with the recommendation of the Committee on Commerce and Navigation and the San Francisco Delegation.

LEAVITT, Chairman.

Senate Bills Nos. 226 and 227 ordered on file for second reading.

JOINT RESOLUTION RECALLED FROM COMMITTEE.

Senator Anthony moved that Senate Joint Resolution No. 2 be recalled from Committee on Finance and referred to Committee on Federal Relations.

Motion duly seconded and carried.

Senate Joint Resolution No. 2 ordered recalled from Committee on Finance and referred to Committee on Federal Relations.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to take up Senate Joint Resolution No. 13 for immediate consideration.

SENATE JOINT RESOLUTION NO. 13.

WHEREAS, Under the National Food and Drugs Act of June 30th, 1906, known as the "Pure Food Law," a decision was rendered by the Department of Agriculture designated as "Food Inspection Decision No. 76" limiting the amount of sulphur dioxide in dried fruit for interstate shipment to 35-10000 of 1 per cent; and

WHEREAS, It was found impossible on the part of the California growers and shippers of dried fruit to produce a sound and merchantable product for such interstate shipment and keep the same within the requirements of said food inspection decision; and

WHEREAS, Said sulphured dried fruits, such as, peaches, pears, apricots, and apples, have for many years been prepared by this method (known as sulphuring) without injury to the product or to the consumer and the most eminent scientists and medical authorities have declared such sulphured fruit to be non-injurious and healthful; and

WHEREAS, The President of the United States has appointed a National Commission composed of eminent scientific men to investigate and report on this question and pending such report, said Food Inspection Decision No. 76 stands suspended; and

WHEREAS, There is pending and to be introduced in the Legislature now in session and to convene in other States, a bill prepared by the Association of State and National Food and Dairy Departments, which bill, should it become a law in any State, would prohibit the sale therein of any food product containing sulphur dioxide; now, therefore, be it

Resolved, by the Senate and Assembly jointly, That it is believed that such an enactment passed in any State at this time is unnecessary and premature and that the result of the adoption of such law would work an incalculable hardship upon and be an injustice to the dried fruit industry of California and the trade of the United States, and that such legislation should, at least, be deferred until the said national referee commission shall have rendered its report, and be it further

Resolved, That copies of this resolution be forthwith transmitted to the Governors and legislative bodies of all states where the legislatures are now in session or about to convene, asking their earnest consideration lest they—before a full hearing and decision is rendered—impair and destroy an industry that supports and sustains hundreds of thousands of persons in every portion of the United States.

Senate joint resolution read.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and forty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bill No. 808 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hartman, Holohan, Hurd, Leavitt,

Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.
NOES—None.

CASE OF URGENCY.

Assembly Bill No. 808—An Act to make an appropriation to pay the per diem and mileage of Assemblymen for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Bill read first time previously this day.

Read second time.

Read third time.

The question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 808 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Walker moved that the consideration of Assembly Bill No. 63 be made a special order for Thursday, February 4, 1909, immediately after the reading of the Journal.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced.

By Senator Black: Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 810—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 811—An Act to provide for the inspection of institutions receiving moneys from the State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or change in county boundaries.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 815—An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishing, conducting and maintaining of high schools and high school districts, the levy of taxes therein, and the issuing and selling of bonds of said districts.

Bill read first time, and referred to Committee on Education.

By Senator Estudillo: Senate Bill No. 816—An Act to amend section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stetson: Senate Bill No. 817—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 818—An Act to create a guaranty fund from which the depositors of insolvent banks shall be paid.

Bill read first time, and referred to Committee on Banking.

By Senator Strobridge: Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 822—An Act to appropriate money for better protection against forest and field fires.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place and health resort for aged, indigent ex-soldiers, sailors, and marines of the United army and navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Burnett: Senate Bill No. 824—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 825—An Act to amend section ninety-seven of

the Code of Civil Procedure, relating to salaries of the Justices of the Peace in cities and counties.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to Article VI, Section VIII of the Constitution, relating to Judges of the Superior Court.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 826—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 827—An Act to amend Sections 4125 and 4218 of the Political Code, relating to the duties of the assessor, surveyor and board of supervisors in the making of maps, plats, block books and blue prints for county purposes.

Bill read first time, and referred to Committee on County Government.

By Senator Thompson: Senate Bill No. 828—An Act to amend sections one, two, three and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Willis: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Bill read first time, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the Governor's special message of January 25, 1909, have had the same under consideration, and respectfully report same back, with the recommendation that no anti-alien legislation be enacted at this session of the Legislature of the State of California.

We firmly believe that legislation of this nature is a menace to the welfare of our country. It is true that our population is composed of people from all nations of the globe. To single out any one particular nation would bring us into conflict with the Constitution of the United States, and render ourselves ridiculous in the eyes of the nation.

Whatever is done to restrict Japanese immigration should come through the Federal Government. This matter is one in which our interests are not alone involved, but one in which the whole nation is interested.

Respectfully submitted.

HURD, Chairman.

GOVERNOR'S SPECIAL MESSAGE OF JANUARY 25, 1909.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, SACRAMENTO, January 25, 1909.

To the Senate and Assembly of the State of California:

There is certain legislation now pending before you which I believe to be of grave concern, not only to our State but to the nation as well, and which should be most thoughtfully considered before being acted upon.

Ordinarily, I believe that there should be no executive interference with the will of the Legislature, nor any attempts made to influence it in the enactment of laws, because yours is a coördinate branch of the government and the people of this State, by their constitution, have delegated to you the power and authority of enacting those laws which are to govern them, and have vested in the Executive only the power of veto and the right to recommend such matters as he may deem expedient.

The enactment of any law is a grave responsibility, and when you are considering measures which not only affect our own people, but which may affect the policies of the nation and involve it in trouble with a friendly power, then you are called upon to proceed with great caution, to weigh carefully every step taken and to do nothing but what your conscience and best judgment dictates, looking not only to the welfare of the State but to the interests of the General Government as well. And it is because I believe that you are now confronted with such a situation that I address this message to you, hoping that I may be able to help you to properly solve those matters to which I shall herein refer, expecting you to take such action as will appeal to your own judgment as to what is the right and proper thing to do under all the circumstances, both as it affects the State and nation.

Certain bills have been introduced, some of which have been favorably reported by your committees, indirectly intended to affect the Japanese people; at least, such is the impression abroad. These bills have attracted the notice of the whole nation and have caused Japan to call the attention of our Government to them. They have produced an agitation, not only in our own country, but throughout Japan, and the Japanese Minister of Foreign Affairs has stated to the authorities in Washington that if the bills should be passed the Government of Japan would consider it very embarrassing.

Before referring specifically to these bills, I wish to review what has been done between our Government and Japan toward stopping immigration to this country:

Bills were introduced in the 58th and 59th Congress to have the Chinese exclusion laws apply to the Japanese. This resulted in bringing before the State Department in Washington the question of the immigration of Japanese subjects to the United States.

The Japanese Government expressed a desire of settling the question by an agreement to be entered into between the two nations wherein Japan was to undertake that no Japanese laborers, skilled or unskilled, should leave Japan for the United States or for the Islands of Hawaii. In arriving at this agreement, much correspondence passed between the Minister of Foreign Affairs of Japan and Secretary Root, and finally a compact was concluded whereby Japan agreed to prevent certain classes of its citizens, therein named, from immigrating to this country. This agreement between the United States and Japan was mutual, and undoubtedly satisfactory to both nations, and Japan at once commenced to enforce it, and abide by its provisions and is now carrying out its terms.

The correspondence leading up to this agreement was shown to me by Secretary Root one year ago this winter when I was in Washington, and since that time his office has forwarded to me reports showing that the Japanese Government was complying with its part of the contract. The Japanese Foreign Office reports that during December, 1908, one hundred and twenty-six Japanese left Japan for the mainland of the United States, of whom sixty-two were returning emigrants or relatives; and that one hundred and seventy-four Japanese left Japan for Hawaii, of whom one hundred and fifty-one were returning emigrants or relatives. It is further stated in such report that eight hundred and twelve Japanese returned to Japan from the mainland of the United States during December, 1908, of whom seven hundred and fifteen were in the steerage; and that one hundred and ninety-five Japanese returned to Japan from Hawaii, of whom one hundred and ninety-three were in the steerage. In the month of December the Japanese leaving the United States for Japan exceeded those leaving Japan for the United States by six hundred and eighty-six. No laborer of Japan can leave his country without a passport, and, under the agreement with Japan, it will not issue a passport to any laborer to come to Hawaii or the mainland of the United States. Japan claims that it has the matter well in hand, that no Japanese laborers are coming to this country and that many are leaving. On the other hand it is contended that the Japanese population in this State is gradually increasing, but I know of no figures showing this to be true.

To-day the relations existing between the United States and Japan are very friendly. Both are great powers among the nations of the world. Both stand in a position, geographically, to dominate and control the commerce of the Pacific. Acting together, they can dictate the policies which other nations must pursue in the far East and can preserve the peace there. As friendly allies, many benefits will inure to both nations, and a great commerce can be carried on between them to the advantage of our people; but, as enemies, the commerce of both can be driven from the ocean. Every reason, therefore, exists why there should continue between Japan and our Government the most friendly relations, and it is the expressed wish of each nation that this shall be so. Appreciating this friendship and their community of interests, both nations have attempted amicably to settle by an agreement the question of immigration, and Japan is now endeavoring to carry out its part. If the agreement does not go far enough; that is, if classes other than those enumerated therein should have been included, then our Government should make that fact known to Japan and

ask to have them included and present its reasons therefor. If such reasons are good and sufficient, then in all fairness, and with a desire to do what is right, Japan will, no doubt, consent to the request made.

The question of immigration is one that affects the entire nation as well as our State, and is one which the Federal Government can alone settle. It may be settled in two ways: first, by an agreement between the two nations, which has been done, or by legislation passed by Congress, as was done in the case of the Chinese.

If we find out that, notwithstanding Japan's efforts, her coolie labor continues to pour into our State, or those calling themselves agriculturists are landing upon our shores and settling in our cities, or leasing and purchasing our valuable agricultural lands, and changing white settlements to Japanese, to the detriment of this State and its citizens, then it is our plain duty to call the attention of our Government to the facts, and petition it to take such prompt action as may be proper, and, by an agreement with Japan, or by legislation, if necessary, to remedy conditions. If our complaints are just they will be taken up by Congress and the President and acted upon.

While the settlement of the questions of immigration are pending, we should do no act to embarrass those in authority at Washington, thereby making their task more difficult. We should be very careful about passing any legislation, not absolutely necessary for our immediate protection, intended solely to affect the Japanese people being lawfully among us, because in so doing we make the task which we expect our Government to perform harder to accomplish, and such legislation at the best can only tend to widen the breach between Japan and our country and cause a feeling of misgivings and distrust to exist. We must also remember that no law that this State can enact will stop Japanese immigration. Congress alone is vested with authority to pass such legislation. And we must also recognize the fact that the Japanese among us are the subjects of a friendly nation and are entitled to the same treatment under our laws and to the same privileges and immunities as are guaranteed to the subjects of the most favored nations. Japan's treaty with our Government guarantees to them this right, and, as citizens of these United States, we must accord it to them. There can not be one law for the subjects of Japan and another one for the citizens of England.

This brings me to a consideration of some of the bills now pending before you and which have already caused much discussion and alarm in both countries.

If you believe the general policy of this State and its future development demands that all aliens, that is, citizens of other countries, should be discouraged in making investments here, and that no alien should be permitted to become the owner in fee simple of any lands within this State—agricultural, grazing or mineral, or of any city property for the purposes of trade, commerce or manufacturing—then enact a law forbidding the same, but see to it that it affects the subjects of all nations alike, and that under its provisions the citizens of Japan shall have equal privileges with those of England and other favored nations; otherwise you might create a situation which may prove to be embarrassing to the Federal Government. Mr. Drew's bill might be so amended, but in its present form it clearly, as no doubt was intended, discriminates against the citizens of China and Japan. Whether any bill should pass at this time which will discourage foreign capital from seeking investments in our State is a most serious question and one not lightly to be considered. But that is a question I leave for you to solve.

Another bill which you have under consideration, and which has been classed as anti-Japanese legislation, is a bill providing that no alien shall be a director in any corporation created under the laws of this State. This bill applies to all aliens as it should if it is to be enacted into law. How many citizens of foreign countries will care to come to California and form corporations for mining, transportation, commerce, manufacturing, banking or any other business, if they can not be directors so as to be able to handle their own money and direct the business in which they engage? What injury is the State now suffering by reason of Japanese directors: or what injury can it suffer by those who may hereafter become directors in a corporation, which will justify a law that no citizen of any foreign country can become a director of a corporation created under the laws of this State, though he may own the controlling interest in it? What public necessity, any way, exists for such a law? It is a very pertinent question, and one which should be most satisfactorily answered by its proponent.

Another measure which is clearly intended to reach the Japanese is one which gives to municipalities the right to set apart certain limits in which "undesirable persons" are to reside. It is not my purpose or desire, however, to discuss the merits of these several bills, or whether or not they should be enacted into laws. It is for you to decide these questions for yourselves and use your best judgment in the matter.

All I desire to do is to call your attention to the fact that the passage of these bills through the Legislature, even though they may never finally become laws, will cause our Federal Government some embarrassment in relation to the agreement it now has with Japan, and its own good faith may be questioned. What we want is to have the question of immigration between these two nations settled amicably, but settled right. Both are earnestly striving to attain that end. Japan has agreed with our Government to do so in a certain way. At the present time she is busily engaged in carrying out her promise. This nation must accept her good faith until the contrary appears. If Japan fails in what she has undertaken she can not complain if our

Government undertakes in its own way the task. By pursuing this course, the friendly relations existing between the two nations will not be broken, and the great commerce now passing between them will continue to grow and the greatest benefits therefrom will be realized by the Pacific Slope.

The President of the United States and the Secretary of the State have issued a warning against passing any bills of the nature proposed. Representing the nation and knowing the situation as they do, their warning should be heeded. This matter is one in which our interests are not alone involved, but one in which the whole country is interested.

The passage of all or any of the proposed bills will not prevent a single Japanese from landing here or cause one to leave the country. They will in no sense check immigration, or change the Japanese way of doing business or his manner of living. They can only tend to embarrass this nation in its dealings with Japan, and render future negotiations more difficult.

Whatever we shall attain in the way of restricting Japanese immigration must come to us through treaties entered into by the Federal Government, or through laws enacted by Congress.

Our efforts should be made through the proper channels, and we should prepare a statement of facts to support any petition we may present.

I would therefore recommend that a sufficient appropriation be made to enable the Labor Commissioner to take a census showing the number of Japanese now in the State, the number classed as laborers, and those classed as agriculturists, the number of acres of land owned by Japanese and the number of acres leased, and to get such other and further information as may be useful in making a proper report to the President of the United States and to Congress.

With such a census we can ascertain hereafter whether or not the Japanese population of this State is increasing or decreasing, and whether or not they are extending their real property holdings.

I most respectfully submit this whole matter to your most careful and thoughtful consideration, hoping and believing that no mistakes will be made in the proper solution thereof, and that nothing may be done in the way of passing legislation which will tend to hereafter embarrass the representatives of our country in dealing with the nation of Japan concerning immigration matters.

J. N. GILLET.

SPECIAL ORDER SET.

Senator Anthony moved that the consideration of the above report of Committee on Executive Communications be made a special order for Wednesday, February 3, 1909, immediately following the special order heretofore set for said day.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 536—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the cost of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be referred to the Committee on Finance.

WELCH, Chairman.

Senate Bill No. 536 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 212 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 84—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 125—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be referred to the Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 84, 125, and 126 ordered referred to Committee on Finance.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 5, the same was taken up for consideration.

SENATE CONCURRENT RESOLUTION NO. 5.

Resolved, by the Senate, the Assembly concurring. That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California:

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the house and a select committee of nine (9) members appointed for that purpose from each house.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "Concurred in," and such endorsement shall be signed by the secretary or assistant secretary of the Senate, or the clerk or assistant clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the secretary or clerk and referred to a standing committee.

Special File.

8. After the fourth day of February, 1909, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have

passed the Senate. Such special file shall be taken up at two o'clock P. M., of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

Bills Not to Be Printed For Engrossment Unless Amended.

9. Unless bills have been amended they shall not be again printed for engrossment, but the engrossing clerk shall use a copy or original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

After a Bill Has Been Passed by the Senate or Assembly.

10. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly, by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

11. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments Are Concurred In.

12. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the secretary or clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

13. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the secretary or clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the president of the Senate, and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

Committee on Conference.

14. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour to be agreed upon by the respective committees.

Committee on Free Conference.

15. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendment made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

When Conference Committee Report is in Order.

16. The presentation of report of committee on conference or free conference shall always be in order, except when the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must Be Announced By the Assistant Sergeant-at-Arms.

17. When a message shall be sent from either house it shall be announced at the door by the assistant sergeant-at-arms, and shall be respectfully communicated to the chair by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

18. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notices to Be on Paper, Under Proper Signature.

19. Notice of the action of either house to the other shall be on paper, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

20. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the enrolling clerk and enrolling committee of the Assembly or Senate, as the bill may be originated, and shall first receive the signature of the presiding officer and clerk or secretary of the house in which it emanated before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

21. When bills are enrolled they shall be reexamined by the enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

22. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

23. After a bill shall have been thus signed in each house, it shall be presented by the enrolling committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the secretary or clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Daily History of Bills, Etc.

24. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to Keep Register.

25. The secretary of the Senate, and clerk of the Assembly, shall keep a register in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Endorse Bills.

26. The secretary of the Senate and clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

27. An adjournment *sine die* shall only be made by concurrent resolution.

Dispensing With Joint Rules.

28. No joint rule shall be dispensed with except by vote of two thirds of each house, and if either house shall violate a joint rule a question of order shall be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Senate Concurrent Resolution No. 5 considered engrossed, and ordered transmitted to the Assembly.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with the notice given on previous day by Senator Miller, Senator Miller moved that the vote whereby Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½—was passed, be now reconsidered.

The motion was duly seconded.

Senator Miller moved that further consideration of motion to reconsider the vote whereby Senate Bill No. 238 was passed, be postponed and made a special order for Thursday, February 4, 1909, immediately after the special orders heretofore set for said day.

Motion carried.

UNFINISHED BUSINESS.

Senate Concurrent Resolution No. 4—Relative to the Alaska-Yukon-Pacific Exposition.

During the reading of the Senate concurrent resolution, the following amendment was offered by Senator Curtin:

Amend as follows: In line 11, of the printed bill, strike out the word "five," and insert in lieu thereof the word "seven."

Amendment adopted.

Senate Concurrent Resolution No. 4 ordered to print and reëngrossment.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed, and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller, as a special committee of one, to amend as follows:

On page 2, strike out all of Sec. 2, after the figure 2 and (.), and insert in lieu thereof the following:

"The floors, sidewalks, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, shall at no time be kept in an unclean, unhealthful or unsanitary condition; and for the purposes of this Act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from flies, dust, dirt, unsanitary conditions, and as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling and distributing of food, are not removed daily; and if all trunks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and all other utensils, receptacles, and machinery, used in moving, handling, cutting,

chopping, mixing, canning, and all other processes used in the preparation of food, are not thoroughly cleaned daily; and if the clothing of operatives, employees, clerks, and other persons therein employed, is unclean, or if they dress or undress, or leave or store their clothing therein."

Also:

On page 4, strike out all of Sec. 9 after the figure 9 and the (.), and insert in lieu thereof the following:

"The members of the State Board of Health, inspectors and agents appointed by said board, and all local health officers and inspectors, shall have full power at all times to enter every building, room, basement, cellar, or any place occupied or used, or suspected of being occupied or used, for the production, manufacture, preparation, storage, sale or distribution of food, and to inspect the premises and all utensils, implements, receptacles, fixtures, furniture and machinery used as aforesaid, and if, upon inspection, any such building, room, basement, cellar, or any such place, vehicle, employer, operative, employee, clerk, driver, or other person, is found to be in violation or violating any of the provisions of this Act, or if the production, preparation, manufacture, packing, storing, sale or distribution of food is being conducted in a manner detrimental to the health of the employees or operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination shall at once make a written report of the same to the district attorney of the county who shall prosecute all persons violating any of the provisions of this Act, and also to the State Board of Health. The State Board of Health, from time to time, as in its discretion it may determine, may publish such reports in its monthly bulletin."

Also:

On page 1, lines 2 and 3 of the title, strike out the words "or distributed; and vehicles in which food is placed for transportation;" and insert in lieu thereof the following: ", prepared, kept or manufactured, and in which food is distributed."

Also:

On page 2, Section 3, line 2, strike out the words "creamery, cheese factory;" also same page and section, line 6, strike out the words "creamery, cheese factory;"

Also:

On page 4, Section 7, line 3, strike out the words "creamery, cheese factory,"

Also:

On page 1, Section 1, line 3, strike out the words "dairy, creamery, cheese factory,"

Also:

On page 5, strike out all of Section 12.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47, with instructions to amend, respectfully report the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Constitutional Amendment No. 2.—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books.

Senate Constitutional Amendment No. 2 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 205.—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

On motion of Senator Thompson, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen, and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property, and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

On motion of Senator Thompson, Senate Bill No. 343 was temporarily passed on file, to retain its place.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

On motion of Senator Curtin, Senate Bill No. 450 was temporarily passed on file, to retain its place.

Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

On motion of Senator Miller, Senate Bill No. 453 was temporarily passed on file, to retain its place.

Senate Bill No. 96—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 96 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Stetson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 526—An Act to amend Section 221½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds." approved March 31, 1891.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford as a special committee of one to amend, as follows:

By striking out of Section 1, line 38, the comma after the word "board," and insert in lieu thereof the following: "of supervisors."

Also:

By inserting in Section 1, line 40, after the word "annex," the word "thereto."

Also:

By striking out of Section 1, line 41, the words "to be annexed thereto."

Also:

By inserting in Section 1, line 47, after the word "pay" the words "its proportion of."

Also:

By inserting in Section 1, line 48, before the word "bonded" the word "unpaid."

Also:

By striking out of Section 1, line 49, the word "and."

Also:

By inserting in Section 1, line 54, before the word "cost" the word "unpaid."

Also:

By striking out of Section 1, line 57, the period after the word "conclusive," and inserting in lieu thereof the following: "and shall be the basis upon which said sanitary board shall tax said annexed territory."

And:

By striking out of Section 1, line 62, the word "main."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 526, with instructions to amend, respectfully reports the same back amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 32—To amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Miller, as a special committee of one, to amend as follows:

On page 7, line 203, printed bill, after the word "laws" insert the following: "within three years after the date of his original location."

And:

On page 7, line 202, printed bill, after the word "claim," and before the word "under," on line 203, insert the words "or any part thereof."

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Miller as a special committee of one, to amend as follows:

On page 4, Section 1426j, line 98, by inserting the following: "or any person qualified by the laws of the United States."

And:

On page 6, Section 1426, line 156, by inserting the following: "and also all costs of service of the notice required by this section, whether incurred for publication charges or otherwise."

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By striking out of title the words "An Act entitled 'An Act relating to the working, rights of way, easement and drainage of mines within the State of California,' approved March 31, 1891," and inserting in lieu thereof the following: "Acts in conflict herewith."

MOTION.

On motion of Senator Willis the above amendments were ordered printed in the Journal, and Senate Bill No. 32 passed on file, to retain its place.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Price, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Brother Xenophon of St. Vincent's Orphan Asylum at San Rafael.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

On motion of Senator Martinelli, Senate Bill No. 77 was temporarily passed on file, to retain its place.

Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Kennedy, as a special committee of one, to amend as follows:

By striking out of Section 4, line 4, the word "provided," and inserting in lieu thereof the following: "provide."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 323, with instructions to amend, respectfully report the same back amended as per instructions.

KENNEDY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding, or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Senate Bill No. 366 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Senate Bill No. 222 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy, and prescribing his duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 271 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Carlin, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583—An Act to amend Section 534 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Carlin, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 4023½, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.

On motion of Senator Welch, Senate Bill No. 324 was temporarily passed on file, to retain its place.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.

On motion of Senator Sanford, Senate Bill No. 513 was temporarily passed on file, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Strobbridge moved a call of the Senate.

Motion carried.

Time, twelve o'clock M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and five minutes P. M., Senator Willis was brought to the bar of the Senate, and, on motion of Senator Wright, excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Strobbridge.

The roll of absentees was called.

Whereupon the Acting President announced that Senate Bill No. 552 was passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Campbell, Cutten, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Willis, and Wright—22.

NOES—Senators Birdsall, Boynton, Burnett, Caminetti, Curtin, Finn, Hartman, Kennedy, Lewis, Price, Sanford, Walker, Weed, Welch, and Wolfe—15.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Cutten gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 552 was this day passed.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

On motion of Senator Rush, Senate Bill No. 261 was temporarily passed on file, to retain its place.

Senate Bill 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

On motion of Senator Rush, Senate Bill No. 262 was temporarily passed on file, to retain its place.

Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, Cal., and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Kennedy, the privilege of the floor of the Senate chamber, for this day, was unanimously extended to Judge Bernard J. Flood, of San Francisco.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, Cal., and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

On motion of Senator Wolfe, Senate Bill No. 34 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend

Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.' "

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 25 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR E. I. WOLFE IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright, the hour of recess was extended five minutes.

THIRD READING OF BILLS—RESUMED.

Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Curtin, Cutten, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Sanford, Savage, Stetson, Thompson, Weed, Willis, Wolfe, and Wright—25.

NOES—Senators Bell, Caminetti, Campbell, Holohan, Miller, and Walker—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Read third time.

On motion of Senator Willis, Senate Bill No. 258 was temporarily passed on file, to retain its place.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wright, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter Van Pelt.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. B. Sanford, wife of Senator Sanford.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Senate Bill No. 263 was temporarily passed on file in the absence of the author, to retain its place.

Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Senate Bill No. 288 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Senate Bill No. 289 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill 265—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Caminetti, Campbell, Curtin, Hare, Hartman, Kennedy, Leavitt, Lewis, McCartney, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts,

and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CAMINETTI IN THE CHAIR.

At two o'clock and ten minutes P. M., Senator Caminetti, of the Tenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to

provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 531 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Holohan, Leavitt, Lewis, McCartney, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Willis, Senate Bills Nos. 258, 263, 288, and 289 were taken up for immediate consideration.

Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reilly, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WILLIS IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Cutten, Hart-

man, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Cutten, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Caminetti, Cutten, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass, and be referred to the Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 176 and 359, ordered referred to Committee on Finance.

THIRD READING OF BILLS—(RESUMED).

On motion of Senator Hare, Senate Bill No. 366 was taken up for immediate consideration.

Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made

of secondhand or cast-off clothing, rags, or cast-off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this act a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Caminetti, Curtin, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, and Wolfe—27

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Senator Price, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 3, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 2, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 18—An Act to define and regulate the business of banking.

Also: Senate Bill No. 131—An Act to amend section four thousand two hundred twenty-five of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 179—An Act to amend Sections 270, 270a, and 270b of the Penal Code of California.

Also: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 18, 131, 179, 12, 69, and 59 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 18, the same was taken up for consideration.

Senate Bill No. 18—An Act to define and regulate the business of banking.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Carter, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Seage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER POSTPONED.

Senator Anthony moved that the special order heretofore set for Wednesday, February 3, 1909, immediately after the reading of the Journal, the same being the consideration of the report of the Committee on Executive Communications relative to the special message from the Governor of January 25, 1909, regarding anti-alien legislation, be postponed until Thursday, February 4, 1909, immediately after the reading of the Journal.

Motion carried.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By the President:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

S. F. Johnson, W. A. Hough, Theo. J. Knutzen, J. M. Walker, A. S. Ormsby, and others.

Also:

By Senator Walker:

GILROY, CAL., January 29, 1909.

To the Senate of the State of California, Sacramento, Cal.

GENTLEMEN: Our attention has been called to Senate Bill No. 589, providing for a pension to be paid to fathers and mothers who have become parents of large families, and we believe in any measure that will encourage the principles enunciated so strenuously by the President of these United States, Theodore Roosevelt, who has so often warned our people that our country will at some future day face the serious problem of a degenerate nation, unless some means be secured to prevent the ravages of the evil of race suicide.

Even at the present time our army and navy, to which we look for protection against the hordes arriving daily on our western shores from the land of the rising sun, is recruited largely from men born under a foreign sky, whose hearts do not beat as warmly for our land as would our sons born on American soil.

We therefore firmly believe it is your duty as a representative of the people to encourage and vote for any measure which will give a suitable pension to the heads of families who are to-day doing their part in preserving the stalwart race of native born American citizens and native born mothers, who during the decades to come will furnish material for other standing armies to protect the Stars and Stripes from enemies from foreign lands.

J. M. Schemel, J. F. Rucker, H. E. Robinson, E. Safstrom, Thomas Hines, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 13—Relative to the use of sulphur dioxide in dried fruit.

CLIO LLOYD, Chief Clerk of the Assembly.

By LEO PREISKER, Assistant Clerk.

Senate Joint Resolution No. 13 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure to be numbered seventeen hundred and twenty-four, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands have been issued in cases where the person entering such lands dies before the issuance of such patent.

Also: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Also: Adopted Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nine of article eleven thereof, relating to the compensation of officers and the extension of the term of officers.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 111, 300, and 301 ordered to enrollment.

Assembly Constitutional Amendment No. 13 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 318—An Act to amend section three hundred and seventeen of the Penal Code of California.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 318 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6—

Resolved by the Assembly, the Senate concurring. That immediately after the adjournment of the present session of the Legislature, the Capitol Commissioners be, and they are hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

Also: Assembly Concurrent Resolution No. 7—Relative to index to code sections or Acts amended by bills introduced in Assembly.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Concurrent Resolution No. 6 ordered referred to Committee on Public Buildings and Grounds.

Assembly Concurrent Resolution No. 7 ordered referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered:

By Senator Estudillo:

Resolved by the Senate. That the action of the Superintendent of Public Instruction in preparing a Lincoln Day Manual for the schools of the State be heartily indorsed and approved, and that the appreciation of the Senate be hereby expressed for this enterprising and public-spirited undertaking.

Resolution read.

Senator Estudillo moved the adoption of the resolution, and spoke as follows:—

MR. PRESIDENT: There lies on each of our desks this morning a little booklet adorned with the American flag. This has been issued by one of our officers in response to an Act introduced in this body by Senator Savage a few days ago, an Act prescribing the observation of the one hundredth anniversary of the birthday of Abraham Lincoln in the schools of California. I believe the promptness and loyalty of this response deserves recognition in this body. The pamphlet is a new departure and is along original lines. It contains patriotic sentiments addressed to the children of California from some of the members of this Legislature, and from the Governor of the State, and is altogether a creditable work: therefore, I move that the resolution be adopted.

Resolution adopted.

SPECIAL ORDER POSTPONED.

Senator Leavitt moved that the special order heretofore set for Thursday, February 4, 1909, immediately after the reading of the Journal, the same being the consideration of Assembly Bill No. 63, be postponed until two o'clock P. M. of the same date.

Motion carried.

PERMISSION FOR USE OF SENATE CHAMBER GRANTED.

On request of Senator Bates, the Senate granted permission to the Senate Committee on Corporations, and the Assembly Committee on Common Carriers, to have the use of the Senate Chamber for the purpose of holding a session of said committees on Tuesday evening, February 9, 1909.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate

Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Also: Senate Bill No. 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Also: Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings.

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Also: Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 634, 217, 696, 698, 548, and 735 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Assembly Bill No. 67 ordered on file for second reading.

Senate Bill No. 182 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 353 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 354 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 52 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 559 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 369—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 369 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 246—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 5½, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived, have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 246 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 362—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 362 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Lewis asked for and was granted unanimous consent to withdraw Senate Bill No. 369—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Senate Bill No. 369 withdrawn, and ordered stricken from the file.

Also:

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 246—An Act to amend an Act entitled "An

Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 5½, providing for filing written notices of defects in street proceedings, and that certain defects not claimed shall be waived.

Senate Bill No. 246 withdrawn, and ordered stricken from the file.

Also:

Senator Hurd asked for and was granted unanimous consent to withdraw Senate Bill No. 362—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Senate Bill No. 362 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 328—An Act to provide for work upon and the construction of sidewalks within municipalities.

Also: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 328, 708, and 559 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 161—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885 by adding thereto a new section, to be known as Section 5½, providing for filing written notices of defects in street proceedings, and that certain defects not claimed shall be waived.

Also: Assembly Bill No. 422—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 161 and 422 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4—Relative to the establishment of a parcels post—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Senate Joint Resolution No. 4 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred the following resolutions:

WHEREAS, Wells, Fargo & Co.'s Express, now engaged as a common carrier of interstate and other commerce, has lately made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

WHEREAS, It is alleged that a combination limiting territory and for the maintenance of rates exists between the various express companies of the United States whereby the express business of the Pacific Slope is to be carried by Wells, Fargo & Co.; and

WHEREAS, It is alleged that some of the transcontinental railroads are also interested in said combination, and are aiding same by special privileges; and

WHEREAS, Such combination if any exists is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Resolutions be, and it is hereby, directed to investigate the advance in such express rates with the relation to the reasons therefor, the effect thereof on the merchant, the shipper, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in such investigation.

Also:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce, have, since the first day of January, 1909, made a material advance in freight rates from eastern points to and from all points in the State of California;

WHEREAS, Such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars.

WHEREAS, Such new rates are unjust and unreasonable, in view of the fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase and have organized with the object in view of securing relief from the burden imposed thereby;

WHEREAS, The consumers of the State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchant, the shipper, the producer, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commerce Commission, embodying the attitude of the people of California on the subject and asserting their rights to relief from the unjust burdens as aforesaid placed on all material interests of California and her people; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistance now in the service of the Senate as may be necessary in said investigation.

Have had the same under consideration, and respectfully report the same back, with the recommendation that said resolutions be adopted as amended (said amended resolutions being attached hereto), and that the President of the Senate appoint two (2) members of the Senate to act with the Committee on Federal Relations in the investigation provided by each of the foregoing resolutions.

BURNETT, Chairman.

RESOLUTIONS AS AMENDED BY COMMITTEE ON FEDERAL RELATIONS.

WHEREAS, Wells, Fargo & Co.'s Express, now engaged as a common carrier of interstate and other commerce, has lately made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

WHEREAS, It is alleged that a combination limiting territory and for the maintenance of rates exists between the various express companies of the United States, whereby the express business of the Pacific Slope is to be carried by Wells, Fargo & Co.; and

WHEREAS, It is alleged that some of the transcontinental railroads are also interested in said combination, and are aiding same by special privileges; and

WHEREAS, Such combination, if any exists, is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance in such express rates with the relation to the reasons therefor, the effect thereof on the merchant, the shipper, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistants, now in the service of the Senate, as may be necessary in such investigation, and that said committee be furnished with all necessary assistants and equipment for the proper conduct of said investigation.

Also:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have, it is alleged, since the first day of January, 1909, made a material advance in freight rates from eastern points to and from all points in the State of California;

WHEREAS, It is alleged such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars;

WHEREAS, It is alleged such new rates are unjust and unreasonable, in view of the alleged fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase, and have organized with the object in view of securing relief from the burden alleged to be imposed thereby;

WHEREAS, It is alleged that the consumers of this State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchants, the shipper, the producer, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendation and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commerce Commission, embodying the attitude of the people of California on the subject, and asserting their rights to relief from the unjust burden, if any there be, so as aforesaid alleged to be placed on all material interests of California and her people; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee, such stenographers and clerical assistants, now in service of the Senate, as may be necessary in such investigation, and that said committee be furnished with all necessary assistants and equipment for the proper conduct of such investigation.

Report and resolutions read.

Senator Caminetti moved that the report and resolutions be taken up for immediate consideration.

Motion carried.

The question being on the adoption of the report and resolutions as amended.

The roll was called, and the report and resolutions, as amended, adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cuten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—Senator Wright—1.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 286—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

WRIGHT, Chairman.

Senate Bill No. 286 ordered referred to Committee on Finance.

ON FINANCES.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 143—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Senate Bill No. 144—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Senate Bill No. 145—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No. 146—An Act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 147—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of twenty-five hundred dollars, to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 143, 144, 145, 146, 147, 149, 113, and 169 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No. 521—An Act authorizing and directing the Directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 522—An Act authorizing and directing the Directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 520, 521, 522, and 523, ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 1—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the third day of December, 1907.

Also: Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section sixty-seven *a*, relating to the number of Superior Court judges, and providing for the appointment of three additional Superior Court judges in and for counties of the second class, and providing for their compensation.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

And report that the same have been correctly enrolled, and presented the same to the Governor on this second day of February, 1909, at four o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon.

Also: Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEWIS, Chairman.

Assembly Bills Nos. 232 and 73 ordered on file for second reading.

Senate Bills Nos. 652, 653, and 654 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to Committee on Judiciary.

LEWIS, Chairman.

Senate Bills Nos. 709 and 710 ordered referred to Committee on Judiciary.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e, of the Political Code, relating to county boards of horticulture—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BILLS, Chairman.

Senate Bill No. 649 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 1, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 91—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

BILLS, Chairman.

Senate Bill No. 91 ordered on file for second reading.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Cutten moved that the vote whereby Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, eleven o'clock and fifty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McArthur, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and fifty-five minutes A. M., Senators Price and Burnett were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cutten.

The roll of absentees was called.

Whereupon the President announced that the motion to reconsider was carried by the following vote:

AYES—Senators Anthony, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Price, Reily, Sanford, Walker, Weed, Willis, and Wolfe—21.

NOES—Senators Bates, Bell, Bills, Black, Holohan, Hurd, Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Strobridge, Thompson, Welch, and Wright—16.

SPECIAL ORDER SET.

Senator Leavitt moved that the further consideration of Senate Bill No. 552 be made a special order for Monday, February 8, 1909, immediately after the reading of the Journal.

Motion carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. W. Getchell.

SENATOR E. I. WOLFE IN THE CHAIR.

At twelve o'clock M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced.

By Senator Curtin: Senate Bill No. 830—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the

Political Code of California, relating to the powers of the board of supervisors.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 834—An Act to repeal Section 1737 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 835—An Act making an appropriation to pay the claim of Herbert von Meyerinck against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Willis: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves.

Senate joint resolution ordered on file, without reference to committee.

By Senator Miller: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 839—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Stetson: Senate Bill No. 841—An Act to amend section seven hundred and two of the Code of Civil Procedure, relating to the time within which property may be redeemed and redemption money.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 842—An Act to amend Article I of Chapter I of Title VIII, of Part III of the Political Code, relating to State school land.

Bill read first time, and referred to Committee on Judiciary.

By Senator Finn: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also (by request): Senate Bill No. 845—An Act to amend section eleven hundred and eighty-three of the Code of Civil Procedure, relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 846—An Act to amend section eleven hundred and eighty-four of the Code of Civil Procedure, relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 847—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1184½, relating to the liens of mechanics and others.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 848—An Act to amend section eleven hundred and eighty-six of the Code of Civil Procedure, relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 849—An Act to amend section eleven hundred and eighty-seven of the Code of Civil Procedure, relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 850—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1187½, relating to mechanics' lien.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 851—An Act to amend Section 1192 of the Code of Civil Procedure, relating to mechanics' lien.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 852—An Act to amend Section 1195 of the Code of Civil Procedure, relating to mechanics' lien.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 853—An Act to prevent persons from unlawfully forming, organizing, installing and constituting secret societies, orders or other organizations having names, titles, or insignia similar to or resembling those secret societies, orders and organizations which have been formed and organized in this State for more than ten years prior to the first day of January, 1909, and adding a new section to the Penal Code of California, to be designated and known as Section 532a.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 854—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cullen: Senate Bill No. 855—An Act to add a new section to the Penal Code to be numbered 626a, to prohibit the hunting of ducks, in sneak, decoy or sculling boats.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 856—An Act to amend Section 4136 of the

Political Code of the State of California, relating to conveyance of real estate and indexing thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 857—An Act to amend Section 3608 of the Political Code of the State of California, relating to the assessment of property belonging to corporations or corporations' stock.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 858—An Act to repeal an Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the State of California," approved March 15th, 1883.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 862—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to succession to the property of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 863—An Act to amend section nine hundred and fifty-four of the Penal Code of California, relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 864—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 865—An Act to amend Section 397*b* of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 870—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 871—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 872—An Act to amend section forty-three hundred *a* of the Political Code of the State of California, relating to county clerk's fees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 873—An Act to repeal section thirty-four ninety-two of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 874—An Act to amend sections thirty-four and forty-six of the Political Code of the State of California, relating to the formation of reclamation districts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 875—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 876—An Act to amend Section 1070 of the Penal Code of California, relating to peremptory challenges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 877—An Act to amend section two hundred and sixty-nine *a* of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 878—An Act to amend section two hundred and sixty-nine *b* of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 879—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 880—An Act to amend section five hundred and seven of the Penal Code of California, relating to the embezzlement of personal property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 881—An Act to amend section nine hundred and seventy-one of the Penal Code of California, relating to criminal procedure.

Bill read first time, and referred to Committee on Judiciary.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge George W. Nicol, of Tuolumne County.

SENATOR WELCH IN THE CHAIR.

At twelve o'clock and eighteen minutes P. M., Senator Welch of the Nineteenth District, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Estudillo, the hour of recess was extended twenty minutes.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education and text-books, and providing for free text-books.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, one thousand nine hundred and nine, and two thirds of all the members elected to each of the houses of the Legislature voting in favor thereof, hereby proposes that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, and the principals of the State Normal Schools shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt a uniform system of text-books for use in the common schools throughout the State, and shall have control in the manner provided by law of the examination of teachers, and the granting of teachers' certificates for secondary schools, and shall perform other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing by the State Printing Office, and for the distribution of the same for use in the common schools throughout the State, free of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a Board of Education in each county in the State. The county superintendents and the county boards shall have control, in the manner provided by law, of the examination of teachers, and the granting of teachers' certificates for all schools other than secondary schools within their respective jurisdictions.

Senate Constitutional Amendment No. 2 read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, twelve o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and forty-seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Estudillo.

The roll of absentees was called.

Whereupon the President announced that Senate Constitutional Amendment No. 2 was refused adoption by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Cutten, Hurd, Lewis, Miller, Price, Roseberry, Rush, Sanford, Thompson, Walker, Willis, and Wright—19.

NOES—Senators Bills, Burnett, Curtin, Estudillo, Finn, Hare, Hartman, Holoban, Kennedy, Leavitt, Martinelli, McCartney, Reily, Savage, Stetson, Strobbridge, Weed, Welch, and Wolfe—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Estudillo gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 2 was this day refused adoption.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Leavitt, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller be and he is hereby directed to draw his warrant, payable out of the contingent fund of the Senate, in favor of the Secretary of the Senate in the sum of \$1,962.90 in payment of the following bills:

H. S. Crocker Company.....	\$1,922 90
H. E. Sleeper	40 00
	<hr/>
	\$1,962 90

Also:

Resolved, That the sum of \$290.00 is hereby appropriated from the contingent fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the above amount, and the treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cutten,

Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Thompson, Weed, Welch, Willis, and Wolfe—24.
 NOES—None.

THIRD READING OF BILLS - RESUMED .

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

On motion of Senator Thompson, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Miller, as a special committee of one, to amend as follows:

In line 11, Section 1, page 2, of the printed amended bill, after the word "possessors," insert the words: "or owners."

Also:

In Section 1, pages 2 and 3, of the printed amended bill, strike out all of line 15 after the word section: also all of lines 16 to 26 inclusive, and all of line 27 down to and including the word "redeemed," and insert in lieu thereof the following: "During which said period of six months no application by any person other than said former possessors, or owners, their heirs or assigns, shall be filed; and provided further, that the former possessors or owners of said land thus deeded to the State, their heirs or assigns, shall have the right to be restored to their former estate and title (at any time during the said period of six months above referred to, or afterwards, and before application for said land is made and filed with the Surveyor General by any other person) upon paying to the county treasurer of the county wherein the said land is situated a sum equivalent to the taxes, penalties, costs and accruing costs by virtue whereof the State became a purchaser of the said lands, and also, all delinquent taxes, penalties, and costs which may have accrued upon such lands subsequent to the date of the certificate of purchase under which the former possessors or owners, or their heirs and assigns claim title to said lands, and also all unpaid interest up to the first day of January, as hereinafter provided, which said money so paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen: provided that the money received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the Surveyor General, in the manner now provided by law for such distribution. If such former owner or possessor, his heirs or assigns, desires to avail himself of the privileges hereof, he shall file with the Surveyor General the receipt of the county treasurer, showing the payment of all such taxes, together with all unpaid interest up to the first day of January following the date when he shall make the said payment to the said county treasurer, and thereupon the Surveyor General shall give to such person a certificate signed and sealed by him, but which need not be acknowledged, showing full payment of all such sums, which said receipt of the Surveyor General shall be recorded by said persons in the county recorder's office of the county wherein the said lands are situated, and the said receipt, when so recorded, shall have the same effect as a deed of reconveyance of the interest conveyed by such deed, and the said former owner or possessor, his heirs or assigns, shall thereby be restored to all his rights in the said lands, and his certificate of purchase shall be in full force and effect as effectually as though no sale had been made: but"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 343, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

On motion of Senator Curtin, Senate Bill No. 450 was temporarily passed on file, to retain its place.

Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Catten, Hare,

Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Thompson, Wood, Welch, Willis, and Wolf. 23

Notes—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Read third time.

On motion of Senator Wright, Senate Bill No. 77 was temporarily passed on file, to retain its place.

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Read third time on previous day.

WITHDRAWAL OF MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti asked for and was granted unanimous consent to withdraw the following motion:

Senator Caminetti moved to refer to Senator Miller, as a special committee of one, to amend as follows:

On page 4, Section 1426j, line 98, by inserting the following: "or any person qualified by the laws of the United States."

Also:

On page 6, Section 1426o, line 156, by inserting the following: "and also all costs of service of the notice required by this section, whether incurred for publication charges or otherwise."

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Miller, as a special committee of one, to amend as follows:

On page 7, line 203, printed bill, after the word "laws" insert the following: "within three years after the date of his original location."

Also:

On page 7, line 202, printed bill, after the word "claim," and before the word "under," on line 203, insert the words: "or any part thereof."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 32, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

By striking out of title the words "An Act entitled 'An Act relating to the working, rights of way, easement and drainage of mines within the State of California,' approved March 31, 1891," and inserting in lieu thereof the following: "Acts in conflict herewith."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 32, with instructions to amend, respectfully report the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendment adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Miller, as a special committee of one, to amend as follows:

By inserting after the word "works," on page 4, Section 1426j, line 98, the following: "or any person qualified by the laws of the United States,"

Also:

By inserting after the word "expenditures," on page 6, Section 1426a, line 156, the following: "and also all costs of service of the notice required by this section, whether incurred for publication charges, or otherwise."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 32, with instructions to amend, respectfully report the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Thompson, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 324 passed by the following vote :

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Thompson, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Senate Bill No. 513 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

Read third time.

On motion of Senator Caminetti, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one-half.

On motion of Senator Rush, Senate Bill No. 261 was temporarily passed on file, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

On motion of Senator Rush, Senate Bill No. 262 was temporarily passed on file, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

On motion of Senator Cutten, Senate Bill No. 34 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works, for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and fifty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 191 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cutten, Estudillo, Hare, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Savage, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Read third time.

On motion of Senator Kennedy, Senate Bill No. 192 was temporarily passed on file, to retain its place.

Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Catten, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Savage, Weed, Willis, Wolfe, and Wright—25.

NOES—Senator Estudillo—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

On motion of Senator Walker, Senate Bill No. 30 was temporarily passed on file, to retain its place.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Read third time.

On motion of Senator Wright, Senate Bill No. 232 was temporarily passed on file, to retain its place.

Senate Bill No. 179—An Act to amend Sections 270, 270*a*, and 270*b*, of the Penal Code of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Estudillo, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobbridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Finn, Hartman, and Reily—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Read third time.

Senate Bill No. 12 ordered referred to Committee on Judiciary, to retain its place on file.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Senator Estudillo, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 4, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holo-han, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 3, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PETITION.

The following petition was presented, and ordered printed in the Journal:

By the President:

OAKLAND, February 3, 1909.

To the Honorable Senate of the State of California, Sacramento, Cal.

GENTLEMEN: At a meeting of the Board of Directors of the Oakland Chamber of Commerce, held February 3, 1909, the following resolution was unanimously adopted, and ordered forwarded to the Senate and the Assembly of the State of California:

WHEREAS, A proposed constitutional amendment, known as Senate Constitutional Amendment No. 14, is now pending before the State Legislature, the intention of said amendment being to provide means for the formation of consolidated city and county governments, under certain proper and specified restrictions; and

WHEREAS, The Oakland Chamber of Commerce is convinced that such a form of government is more economical, simple, and eminently more satisfactory, and will remedy existing defects in the present local government as same pertains to jurisdiction of the city and county of Alameda, and in the belief that the adoption of said amendment is desirable and for the best interests of the city of Oakland; therefore, be it

Resolved, By the Board of Directors of the Oakland Chamber of Commerce, representing the commercial interests of Oakland, that said Senate Constitutional Amendment No. 14 be, and the same is hereby, indorsed, and the Legislature is requested to cause same to be submitted to the people for their approval.

Very respectfully,

I. H. CLAY, President.

Attest:

EDWIN STEARNS, Secretary.

COMMUNICATION.

The following communication was presented, and ordered printed in the Journal:

By the President:

LOS ANGELES, CAL., February 1, 1909.

To the Honorable the Lieutenant-Governor, the Senate, Sacramento, Cal.

SIR: The bearer, E. D. Seward, is the duly accredited correspondent of the Los Angeles Herald, representing us in the State Senate. He is, therefore, entitled to

any rights, privileges, and courtesies extended by the honorable body over which you preside to members of the press.

Yours very truly,

FRANK E. WOLFE, Managing Editor.

SPECIAL ORDERS POSTPONED.

Senator Miller moved that the special order heretofore set for Thursday, February 4, 1909, immediately after the reading of the Journal, the same being the consideration of the motion to reconsider the vote whereby Senate Bill No. 238 was passed, be postponed until Friday, February 5, 1909, immediately after the reading of the Journal.

Also:

Senator Anthony moved that the special order heretofore set for Thursday, February 4, 1909, immediately after the reading of the Journal, the same being the consideration of the report of the Committee on Executive Communications relative to the special message from the Governor of January 25, 1909, regarding anti-alien legislation, be postponed until Friday, February 5, 1909, immediately following the consideration of the special order heretofore set.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Estudillo moved that the vote whereby Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books—was refused adoption, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Estudillo moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 2 was refused adoption, be made a special order for Friday, February 5, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At ten o'clock and twenty minutes, Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 6—Relating to irrigation by the United States Reclamation Service in California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Joint Resolution No. 6 ordered referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

Also: Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code" approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 172 read first time, and referred to Committee on Education.

Assembly Bill No. 193 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 390 read first time, and ordered on file without reference to committee.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. F. C. Jones, of San Francisco.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge R. A. Ling, of Los Angeles.

Also:

On request of Senator Birdsall, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge George Jones, of Nevada County.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 381—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury.

Also: Senate Bill No. 382—An Act to amend Section 226 of the Code of Civil Procedure, relating to grand juries and trial jury panels.

Also: Senate Bill No. 383—An Act to amend Section 227 of the Code of Civil Procedure, relating to trial jury panels.

Also: Senate Bill No. 384—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.

Also: Senate Bill No. 387—An Act to amend Section 1055 of the Penal Code of the State of California, and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064, and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.

Also: Senate Bill No. 388—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.

Also: Senate Bill No. 391—An Act to amend Section 1437 of the Penal Code, relating to ground of discharge on habeas corpus.

Also: Senate Bill No. 393—An Act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined.

Also: Senate Bill No. 395—An Act to amend Section 1173 of the Penal Code of the State of California, relating to exceptions by the defendant to the change of place of trial.

Also: Senate Bill No. 397—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.

Also: Senate Bill No. 398—An Act to amend Section 1009 of the Penal Code of the State of California, relating to the effect of an order allowing a demurrer.

Also: Senate Bill No. 399—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment or information is granted.

Also: Senate Bill No. 402—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings of arraignment.

Also: Senate Bill No. 404—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.

Also: Senate Bill No. 405—An Act to amend Section 1093 of the Penal Code of the State of California, relating to trials.

Also: Senate Bill No. 407—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses.

Also: Senate Bill No. 409—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses.

Also: Senate Bill No. 411—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt.

Also: Senate Bill No. 413—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon the trial.

Also: Senate Bill No. 414—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant.

Also: Senate Bill No. 415—An Act to amend Section 1172 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties.

Also: Senate Bill No. 416—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.

Also: Senate Bill No. 425—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.

Also: Senate Bill No. 431—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.

Also: Senate Bill No. 434—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction.

Also: Senate Bill No. 437—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer.

Also: Senate Bill No. 438—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant.

Also: Senate Bill No. 442—An Act to amend Section 1264 of the Penal Code of the State of California relating to judgment on appeal and allowance of certain costs to defendant.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

WITHDRAWAL OF BILLS.

Senator Campbell asked for and was granted unanimous consent to withdraw Senate Bill No. 381—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury.

Also: Senate Bill No. 382—An Act to amend Section 226 of the Code of Civil Procedure, relating to grand juries and trial jury panels.

Also: Senate Bill No. 383—An Act to amend Section 227 of the Code of Civil Procedure, relating to trial jury panels.

Also: Senate Bill No. 384—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.

Also: Senate Bill No. 387—An Act to amend Section 1055 of the

Penal Code of the State of California and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.

Also: Senate Bill No. 388—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.

Also: Senate Bill No. 391—An Act to amend Section 1437 of the Penal Code, relating to ground of discharge on habeas corpus.

Also: Senate Bill No. 393—An act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined.

Also: Senate Bill No. 395—An Act to amend Section 1173 of the Penal Code of the State of California, relating to exceptions by the defendant to the change of place of trial.

Also: Senate Bill No. 397—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.

Also: Senate Bill No. 398—An Act to amend Section 1009 of the Penal Code of the State of California, relating to the effect of an order allowing a demurrer.

Also: Senate Bill No. 399—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment or information.

Also: Senate Bill No. 402—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings of arraignment.

Also: Senate Bill No. 404—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.

Also: Senate Bill No. 405—An Act to amend Section 1093 of the Penal Code of the State of California.

Also: Senate Bill No. 407—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses.

Also: Senate Bill No. 409—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses.

Also: Senate Bill No. 411—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt.

Also: Senate Bill No. 413—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon the trial.

Also: Senate Bill No. 414—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant.

Also: Senate Bill No. 415—An Act to amend Section 1172 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties.

Also: Senate Bill No. 416—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.

Also: Senate Bill No. 425—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.

Also: Senate Bill No. 431—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.

Also: Senate Bill No. 434—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction.

Also: Senate Bill No. 437—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer.

Also: Senate Bill No. 438—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant.

And: Senate Bill No. 442—An Act to amend Section 1264 of the Penal Code of the State of California, relating to judgment on appeal and allowance of certain costs to defendant.

Senate Bills Nos. 381, 382, 383, 384, 387, 388, 391, 393, 395, 397, 398, 399, 402, 404, 405, 407, 409, 411, 413, 414, 415, 416, 425, 431, 434, 437, 438, and 442 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 21 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Also: Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled, "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of the property thereof; calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of

the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Senate Concurrent Resolution No. 4.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 47, 526, and 323 ordered on file for third reading.
Senate Concurrent Resolution No. 4 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 543—An Act making an appropriation of fifteen thousand dollars for viticultural investigation—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to Committee on Fruit and Vine Interests.

RUSH, Chairman.

Senate Bill No. 543 ordered referred to Committee on Fruit and Vine Interests.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 16—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester and relating to their duties and term of office.

Also: Senate Bill No. 568—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be withdrawn by the authors.

RUSH, Chairman.

Senate Bills Nos. 16 and 568 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Holohan asked for and was granted unanimous consent to withdraw Senate Bill No. 16—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Senate Bill No. 16 withdrawn, and ordered stricken from the file.

Also:

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Bill No. 568—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Senate Bill No. 568 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and that they be referred to the Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 637, 638, 669, 670, and 718 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

STETSON, Chairman.

Senate Bills Nos. 590 and 754 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$200,000) toward the erection of an agricultural building for the and fire proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Also: Senate Bill No. 545—An Act to appropriate the sum of two hundred thousand dollars (\$200,000) toward the erection of an agricultural building for the University of California.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended, and that they be referred to Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 544 and 545 ordered referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845 and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 196—An Act to amend Section 3628 of the Political Code, relating to the assessment of property.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

MCCARTNEY, Chairman.

Senate Bills Nos. 647 and 196 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 11 Relative to proposed amendment to Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

MCCARTNEY, Chairman.

Senate Constitutional Amendment No. 11 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

MCCARTNEY, Chairman.

Senate Constitutional Amendment No. 3 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 740—An Act to add a new section to the Civil Code of the State of California, to be numbered four hundred and eleven, relative to restoring foreign corporations—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to the Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 740 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 27—An Act to repeal an Act entitled, "An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back with twenty-six amendments, with the recommendation that said amendments be adopted, and the bill be referred to the Committee on Corporations for further action.

BATES, Chairman.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Stetson moved that Senate Bill No. 27 be taken up for second reading, for the purpose of amendment.

Motion carried.

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners,

define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 1, strike out the word "four," and insert in lieu thereof the word "six."

Amendment adopted.

Also:

On page 2, Section 2, line 14, strike out the word "fifty," and insert in lieu thereof the words "one hundred."

Amendment adopted.

Also:

On page 3, Section 5, line 1, after the word "city," insert the following: "and county."

Amendment adopted.

Also:

On page 4, Section 10, line 2, after the word "all," insert the words "orders and."

Amendment adopted.

Also:

On page 4, Section 13, line 3, after the word "trustees," insert the words "receivers, lessees."

Amendment adopted.

Also:

On page 5, Section 17, line 3, after the word "books," insert a comma and the word "records."

Amendment adopted.

Also:

On page 7, Section 21, line 10, after the figures "1,000," insert the following: "or by imprisonment in the county jail of not less than thirty nor more than ninety days, or by both such fine and imprisonment."

Amendment adopted.

Also:

On page 10, strike out Section 32, and insert in lieu thereof the following:

"Section 32. The commission shall prescribe and enforce reasonable orders, rules and regulations for the furnishing of suitable cars to any and all persons applying therefor, for the transportation of all kinds of freight in carload lots of which the railroad or transportation company to whom the application is made is a common carrier; the time within which the same shall be furnished; the manner of the application therefor; the time for the loading and of the unloading thereof, for demurrage and equipment demurrage; and, generally, such rules and regulations as may be designed to require reasonable promptness in furnishing cars to be loaded to persons making application therefor, and the loading thereof by applicants therefor, and the unloading of the consignees and the reasonably prompt transportation thereof."

Amendment adopted.

Also:

On page 14, Section 42, line 2, after the word "reduce," insert the words "or reduce."

Amendment adopted.

Also:

On pages 15 and 16, strike out Section 44, and insert in lieu thereof the following: "Sec. 44. Any person, firm, company or corporation, or any mercantile asso-

ciation or organization, or any body politic, may complain of any charge, rate, rule or regulation made or established by, or any order or decision of, the commission, or of anything done or omitted to be done by any railroad or transportation company, or on account of any act or practice by any railroad or transportation company, by filing with said commission a complaint, setting forth the cause or causes of such complaint in concise language. Any charge, rate, rule, regulation, order or decision alleged in such complaint to be unjust, illegal, unreasonable, injurious or discriminatory as between or against places or persons, shall be a proper subject for hearing, investigation, order and decision of said commission, notwithstanding any previous act, order or decision of said commission with respect to, or in connection therewith. Upon such complaint being filed with the commission a copy of the same shall be served on the railroad or transportation company concerned, and the commission shall fix a time and place when and where the said company shall answer the same. Thereafter the commission shall investigate and determine such complaint, under such rule and mode of procedure as it may adopt. If the commission shall find that there has been a violation of any rule, regulation, order or decision of the commission, it shall determine if the same was willful; if it shall find that such violation was not willful it may call upon said company to pay and satisfy the damage done to the complainant by such violation, if any such damage should appear, stating the amount of such damage, or shall decree that said company shall conform with the order, rule or regulation of the commission, as the case may be; and if the said company should comply with such order or decision of the commission within the time specified by the commission in such order or decision, judgment of satisfaction shall be thereafter entered by said commission; but if said company shall not pay said damage or conform with the rule, regulation, order or decision of the commission, within the time specified by said commission, or if the commission shall find such violation to be willful, it shall thereupon impose the fine provided by law for such violation, and shall thereupon institute such action or proceeding in the courts as may be necessary to enforce the decision or order of the commission, or for the collection of said fine. If any complaint filed under this section shall allege that any such charge, rate, rule, regulation, order or decision complained of is unjust, illegal, unreasonable, injurious, or discriminatory as between or against places or persons, then said commission, after a full hearing upon said complaint, shall have power to suspend, vacate or annul any and all former acts, orders or decisions of said commission concerning said charge, rate, rule, regulation, order or decision so complained of, and to make, establish and enforce such other or different charge, rate, rule, regulation or order as it shall determine to be just and proper. All damage awarded by the commission under the provisions of this section shall be collected by action therefor instituted by the person to whom such damage has been awarded, if such damage remains unpaid after the time fixed by the commission for payment thereof. Actions or proceedings by the commission to enforce any order or decision, or by any party to collect any award of damages, shall be instituted in the proper court in the county, or city and county, in which the violation complained of occurred. The commission, when requested to do so by either party, or whenever it may deem it necessary, may employ a phonographic reporter, and require all testimony taken before it to be reduced to writing, and such testimony, when reduced to writing and certified under the hand and seal of said commission, shall be admissible in evidence upon the trial in any court of any cause or proceeding growing out of the same act or transaction or involving the same subject-matter between the same parties, and shall be prima facie evidence of the facts contained therein. No complaint filed under this section, or under Section 52 of this Act, shall at any time be dismissed because of the absence of direct damage to the plaintiff or complainant. The provisions of this section shall not be deemed to abridge or affect the right of any person, company or corporation to institute in any court any character of action against any railroad or transportation company for any wrong or damage suffered by such person, by reason of any cause whatever, or for any remedy or penalty that may be due him, or to which he may be entitled under this act or any law whatsoever."

Amendment adopted.

Also:

On page 18, Section 49, line 45, after the word "commission," insert the following: "Such service shall be personal or by mailing such certified copy thereof, in a sealed package with postage prepaid, to the person or firm or corporation to be affected thereby or, in case of a corporation, to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure."

Amendment adopted.

Also:

On page 18, Section 50, lines 5 and 6, strike out the comma following the word "rules," and the remainder of the section, and insert in lieu thereof the following:

"and regulations; in the making of orders and in the doing of other acts required of it under this Act."

Amendment adopted.

Also:

On page 19, Section 53, line 4, strike out the words "reasonable and," and insert in lieu thereof the following: "unreasonable or."

Amendment adopted.

Also:

On page 19, Section 54, line 11, after the word "road" insert the words "or transportation."

Amendment adopted.

Also:

4. Strike out all of Sec. 25, beginning with line 1, page 18, down to and including line 16, page 19, and insert in lieu thereof the following:

"Sec. 52. If any railroad or transportation company or other party be dissatisfied with any charge, rate, rule, regulation, classification, act, order or decision made, established or adopted by the commission, such dissatisfied company or party may file a complaint in the Superior Court of the State of California in and for the City and County of San Francisco, against said commission as defendant, setting forth the particular cause or causes of objection to such charge, rate, regulation, classification, act, order or decision of said commission, or to any one or more of them. Said action shall have precedence over all other cases of a different nature, except criminal cases, and shall be tried and determined as other civil actions in said court. The court may at any time when necessary to a complete determination of the controversy, order other parties to be brought in, and to that end may order amended or supplemental pleadings or cross-complaint filed, and summons thereon to be issued and served. Upon the determination of such cause the said court shall enter judgment confirming the charge, rate, rule, regulation, classification, act, order or decision of the commission, or may declare the same void; if said court shall declare any charge, rate, rule, regulation, classification, act, order or decision of the commission to be void, said court shall thereupon require said commission to immediately establish a reasonable and just charge, rate, rule, regulation, order or classification and grant such other and further remedy as may be appropriate. Either party in said action may appeal to the court having jurisdiction of said cause, and said appeal shall have precedence in said court of all cases of a different character therein pending, except criminal cases."

Amendment adopted.

Also:

On page 20, Section 55, line 10, after the word "railroad," insert the words "or transportation company."

Amendment adopted.

Also:

On page 20, Section 55, line 10, strike out the word "unjust."

Amendment adopted.

Also:

On page 20, Section 56, line 1, strike out the word "unjust."

Amendment adopted.

Also:

On page 20, Section 56, line 2, after the word "road," insert the following: "or transportation company."

Amendment adopted.

Also:

On page 20, Section 57, line 1, after the word "railroad," insert the words "or transportation."

Amendment adopted.

Also:

On page 20, Section 57, line 4, strike out the word "tonnage," and insert in lieu thereof the word "freight."

Amendment adopted.

Also:

On page 20, Section 57, line 8, strike out the word "tonnage," and insert in lieu thereof the following: "freight."

Amendment adopted.

Also:

On page 20, Section 57, line 10, strike out the word "unjust."

Amendment adopted.

Also:

On page 23, Section 63, line 24, after the word "railroad," insert the words "or transportation."

Amendment adopted.

Also:

On page 25, Section 65, line 1, after the word "suits," insert the following: "other than those instituted before the commission."

Amendment adopted.

And:

On page 25, Section 66, line 9, after the word "or," insert the word "unjust."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and referred to Committee on Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 27.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 720—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the substitute do pass, and be referred to Committee on Finance.

MARTINELLI, Chairman.

Report of committee adopted.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

By Committee on Prisons and Reformatories: Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass and be referred to Committee on Finance.

MARTINELLI, Chairman.

Senate Bills Nos. 772 and 773 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

MARTINELLI, Chairman.

Senate Bill No. 774 ordered referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 14—An Act to regulate the assessment of migratory livestock, and to provide for an equitable distribution of the taxes derived therefrom, and to protect any other taxes thereon—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Judiciary to determine a constitutional question.

McCARTNEY, Chairman.

Senate Bill No. 14 ordered referred to Committee on Judiciary.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 164 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 272—An Act making an appropriation of one thousand dollars to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 272 and 510 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 9—Relative to requesting the Secretary of War to advise the United States Board of Engineers for Rivers and Harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California—and report that the same has been correctly enrolled, and presented the same to the Governor on this second day of February, 1909, at four o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 5—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California—and report that the same has been correctly enrolled, and presented the same to the Governor on this fourth day of February, 1909, at ten o'clock and fifteen minutes A. M.

STROBRIDGE, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Cartwright: Senate Joint Resolution No. 16—Relative to transportation rates, directing the Attorney General to bring suit to adjust the same, and making an appropriation out of the contingent fund of the Senate and Assembly therefor.

Senate joint resolution referred to Committee on Federal Relations.

By Senator Rush: Senate Bill No. 883—An Act making an appropriation to pay the claim of F. J. Trigueiro against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Weed: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Estudillo (by request): Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Finn: Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Hare (by request): Senate Bill No. 887—An Act to prevent the use of parenzella or dragnet in the waters of this State.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bills: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Birdsall: Senate Bill No. 889—An Act to provide for the medical treatment of indigent residents afflicted with incipient

pulmonary tuberculosis: to create a fund therefor: to prescribe the duties of the State Board of Health and other public officials with relation thereto, and making an appropriation for the purposes of this Act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Walker: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

Bill read first time, and referred to Committee on County Government.

By Senator Stetson: Senate Bill No. 891—An Act to add a new section to the Penal Code of the State of California, to be known as number 367*b*, prohibiting the use of certain traps.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 893—An Act to amend sections six, seven, fifteen and seventeen, and to add a new section known as section fifteen and a half creating a revolving fund to an Act, entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, 1897; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an apportionment to be expended under the directions in the discharge of his duties as such Commissioner," approved March twenty-fourth, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act

entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such Commissioners, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, 1897, and all Acts or parts of Acts amendatory thereof," approved March eleven, 1907.

Bill read first time, and referred to Committee on Finance.

By Senator Bates: Senate Bill No. 894—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read first time and referred to Committee on Municipal Corporations.

By Senator Price: Senate Bill No. 895—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Wright: Senate Bill No. 897—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and maintenance of said school.

Bill read first time, and referred to Committee on Finance.

By Senator Black: Senate Concurrent Resolution No. 6—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

Senate Concurrent Resolution No. 6, referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 899—An Act to amend Section 25 of the Civil Code, defining who are minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 900—An Act to amend Section 626c of the Penal Code, relating to the taking, killing and having in possession pheasants and other game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Campbell: Senate Bill No. 901—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the

recording of certain instruments and certificates of acknowledgment, the notice such recording shall impart, and to the effect as evidence of certified copies of the records of the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 902—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of the two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 903—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants, and prescribing their powers and duties.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626c and 626d, 626m, and 627b of the Penal Code of the State of California, and add to such Penal Code two new sections to be numbered Section 626n and Section 626o, relating to the protection and preservation of game and fish.

Bill read first time, and referred to Committee on Fish and Game.

CONSIDERATION OF DAILY FILE THIRD READING OF BILLS.

SENATE CONCURRENT RESOLUTION NO. 4.

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, 1909; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, the Speaker and the Speaker pro tem. of the Assembly, the Secretary of the Senate and the Sergeant-at-Arms of the Senate shall represent the State of California at the time and place and the occasion mentioned.

Resolved. That for the purpose aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Senate concurrent resolution read.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Curtin, Cutten, Estudillo, Fian, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Weed, Wolfe, and Wright—23.

NOES—Senators Black, Boynton, Caminetti, Campbell, Holohan, McCartney, Miller, and Walker—8.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

Senate Bill No. 47—An Act providing for the sanitation of food pro-

ducing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller, as a special committee of one, to amend as follows:

By striking out of Section 2, line 1, the word "sidewalks," and inserting in lieu thereof the following: "side walls."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a Consulting Board to the Department of Engineering, to be known as the Consulting Board of Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 131—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES. Senators Anthony, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Holohan, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

On motion of Senator Thompson, Senate Bill No. 151 was temporarily passed on file, to retain its place.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

On motion of Senator Curtin, Senate Bill No. 450 was temporarily passed on file, to retain its place.

Senate Bill No. 526—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation, dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

On motion of Senator Martinelli, Senate Bill No. 526 was temporarily passed on file, to retain its place.

Senate Bill No. 77—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Senate Bill No. 513 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,' " approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

On motion of Senator Rush, Senate Bill No. 261 was temporarily passed on file, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

On motion of Senator Rush, Senate Bill No. 262 was temporarily passed on file, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

On motion of Senator Wolfe, Senate Bill No. 34 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction,

and maintenance of state railway highways for steam, electric motor, and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

On motion of Senator Wolfe, Senate Bill No. 192 was temporarily passed on file, to retain its place.

Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

Senate Bill No. 30 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

On motion of Senator Wolfe, Senate Bill No. 232 was temporarily passed on file, to retain its place.

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

On motion of Senator Cutten, Senate Bill No. 69 was temporarily passed on file, to retain its place.

Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting secondary school districts, and calling for an election therefor, and the canvassing of the votes cast at said election.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 59 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 524—An Act to provide for public cemetery districts. Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, and Wright—32.

NOES—Senators Miller and Weed—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 4.

Relative to the establishment of a parcels post.

WHEREAS, The establishment of a parcels post would be an inestimable benefit to the State of California, and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

WHEREAS, It has been found possible for the American express companies to unite in giving to the British post office a flat rate of twenty-four cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

Resolved, That the Senate and Assembly of the State of California hereby join in requesting our representatives in the Senate and House of Representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by American express companies to the foreigner, viz: Twenty-four cents for packages up to eleven pounds; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Secretary of the Senate to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Senate joint resolution read.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, and Wright—29.

NOES—None.

Senate Joint Resolution No. 4 ordered to engrossment, and transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 623—An Act to amend Section 607c of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

On motion of Senator Estudillo, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 7 and Section 10b of said Act.

During second reading of bill, the following amendments were submitted by committee:

On page 4, line 1, strike out the words "seven and section."

Amendment adopted.

Also:

Amend the title by striking out the words "section seven and."

Amendment adopted.

And:

On page 2, strike out all of lines 45, and 46, and on page 3, strike out lines 47, and 48.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 46, strike out the word "eleven," and insert in lieu thereof the word "nine."

Amendment adopted.

And:

On page 2, line 22, after the word "office" insert the following: "provided, the rehabilitation of a corporation under the provisions of this Act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture and."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 11, strike out the word "upon," and insert in lieu thereof the word "for."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants and providing a penalty for the violation thereof.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 280a after the (.) following the figures and letter "280a," and insert in lieu thereof the following:

"Whoever gives, offers, or promises to an agent, employee or servant any commission, gift or gratuity whatever without the knowledge or consent of the principal, employer or master of such agent, employee or servant, with intent to willfully and corruptly influence his action in relation to his principal's, employer's, or master's business; or any agent, employee or servant who without the knowledge or consent of his principal, employer or master, requests or accepts any commission, gift or gratuity, or the promise of any commission, gift or gratuity whatever, to do any act beneficial to himself under an agreement or with an understanding that he shall act in any manner contrary to the interests of his principal's, employer's or master's business, is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in a county jail not exceeding six months or by both such fine and imprisonment, provided that any person herein mentioned shall not be deemed an accomplice within the meaning of section eleven hundred and eleven of this code."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

During second reading of bill, the following amendments were submitted by committee:

In the title of the Act, after the word "others," strike out the comma and insert in lieu thereof a period, and strike out the words "and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others."

Amendment adopted.

And:

On page 2, of the printed bill, strike out all of Section 2 and Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

During second reading of bill, the following amendments were submitted by committee:

In the title of the Act, after the word "Code," strike out the comma, and insert in lieu thereof the words "of the State of California."

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "Code," insert the words "of the State of California."

Amendment adopted.

Also:

On page 1, Section 1, line 3, before the figures "3197," strike out the word "Section."

Amendment adopted.

Also:

On page 1, Section 2, line 1, after the word "Code," insert the words "of the State of California."

Amendment adopted.

Also:

On page 1, Section 2, line 3, before the figures "3198," strike out the word "Section."

Amendment adopted.

Also:

On page 2, Section 3, line 1, after the word "Code," insert the words "of the State of California."

Amendment adopted.

Also:

On page 2, of the printed bill, strike out all of Section 4.

Amendment adopted.

And:

On page 2, Section 3, line 3, before the figures "3199," strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 16, strike out the word "respectfully," and insert in lieu thereof the word "respectively."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other states or foreign countries.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 14 and 15, strike out the words "or is not convicted."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees and mileage of officers and jurors in counties of the eleventh class.

During second reading of bill, the following amendments were submitted by committee:

On page 6, of printed bill, insert at end of Section 1, a new subdivision as follows: "20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid."

Amendment adopted.

And:

On page 1, line 11, of printed bill, strike out period and insert a comma and the following words: "and during any year when an official primary election is held in the county, there shall be, and there hereby is, allowed to the county clerk one additional deputy who shall be appointed by the county clerk, and shall be paid a salary of \$75.00 per month for a period of not exceeding four months in said year."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

During second reading of bill, the following amendments were submitted by committee:

Amend the title, by striking out of line 2 thereof the word "amending," and inserting in lieu thereof the words "to amend."

Amendment adopted.

Also:

On page 1, line 1, before the word "section" insert the following: "Section 1."

Amendment adopted.

And:

On page 1, line 3, of the printed bill, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

During second reading of bill, the following amendments were submitted by committee:

Strike out of line 36 of the printed bill, the parenthesis and the following: "salaries and fees of justices of the peace."

Amendment adopted.

Also:

Strike out of line 45, page 2, of the printed bill, the parenthesis and the following words: "salaries and fees of constables."

Amendment adopted.

Also:

Strike out of line 58, page 3, of the printed bill, the parenthesis and the following words: "salaries of supervisors."

Amendment adopted.

Also:

Strike out of line 64, page 3, of the printed bill, the parenthesis and the following words: "salary and fees of official reporter."

Amendment adopted.

And:

Strike out of line 65, page 3, of the printed bill, the word "report," and insert in lieu thereof the word "reporter."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

During second reading of bill, the following amendments were submitted by committee:

Strike out of line 107, of the printed bill, the word "and," and insert in lieu thereof the word "of."

Amendment adopted.

And:

Strike out of line 108, page 4, the semicolon after the word "dollars," and insert in lieu thereof a comma.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

During second reading of bill, the following amendments were submitted by committee:

Strike out the comma following the word "read," in line 2, Section 1, page 1 of the printed bill.

Amendment adopted.

Also:

Strike out the word "section," in line 3, Section 1, page 1 of the printed bill.

Amendment adopted.

And:

Strine out lines 122 and 123 of the printed bill, page 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien, and declaring any violation of the provisions thereof to be a misdemeanor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out entire Section 1.

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "Sec. 2." and insert in lieu thereof the following: "Section 1."

Amendment adopted.

Also:

On page 2, lines 5 and 6, strike out the words "such rodents," and insert in lieu thereof the following: "rats, mice, gophers or ground squirrels, or."

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the words "Sec. 3." and insert in lieu thereof the following: "Sec. 2."

Amendment adopted.

Also:

On page 2, Section 4, line 1, strike out the words "Sec. 4." and insert in lieu thereof the following: "Sec. 3."

Amendment adopted.

Also:

On page 3, Section 5, line 1, strike out the words "Sec. 5." and insert in lieu thereof the following: "Sec. 4."

Amendment adopted.

And:

On page 4, Section 6, line 1, strike out the words "Sec. 6." and insert in lieu thereof the following: "Sec. 5."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending to Islais jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

On motion of Senator Welch, Senate Bill No. 227 was temporarily passed on file, to retain its place.

Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. In all counties, and cities and counties, having a population of three hundred thousand inhabitants and over, the Judges of the Superior Court in such counties, and cities and counties, may appoint a secretary, who shall receive a salary of two hundred and fifty dollars (\$250) per month, and hold office at their pleasure, and perform such duties as may be required of him by the court or the judges thereof; said salary shall be audited, allowed and paid out of the general fund of such counties, and cities and counties.

Sec. 2. This Act shall take effect from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, after the word "with," insert the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the word "at," insert the word "the."

Amendment adopted.

And:

On page 1, Section 1, line 9, after the word "election," insert the word "and."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, before the figures and letter "4135a," strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 696—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, in front of the word "Section," insert the word and figure "Section 1."

Amendment adopted.

Also:

On page 2, strike out all of line 18.

Amendment adopted.

Also:

On page 2, line 19, before the word "Upon," insert the word "Second."

Amendment adopted.

Also:

On page 1, line 9, strike out the figure "1," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, line 11, strike out the figure "2," and insert in lieu thereof the letter "b."

Amendment adopted.

Also:

On page 1, line 13, strike out the figure "3," and insert in lieu thereof the letter "c."

Amendment adopted.

Also:

On page 2, line 15, strike out the figure "4," and insert in lieu thereof the letter "d."

Amendment adopted.

And:

In the title of the bill, strike out the word "and," between the words "executors" and "administrators," and insert in lieu thereof a comma, and after the word "administrators" insert the words "and guardians."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code of the State of California relating to service of summons on corporations in criminal proceedings.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 10, strike out the words "the agent of," and the words "designated by it."

Amendment adopted.

And:

Strike out all of Section 2.

Amendment adopted.

Bill read second time and ordered to print, engrossment, and third reading.

Senate Bill 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 8 and 9, of the printed bill, strike out the words "plaintiff or moving party in such action or proceeding so transferred," and insert in lieu thereof the following: "party at whose instance the order was made when the action or proceeding was originally commenced in the proper county. In all other cases such costs and fees shall be paid by the plaintiff."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 12, of the printed bill, after the word "treasury," strike out the comma and insert in lieu thereof a period, and strike out the balance of the section.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 353—An Act to amend Section 1521 of the Political

Code of the State of California, relating to the duties of the State Board of Education.

During second reading of bill, the following amendments were submitted by committee:

Amend the bill by adding, after the enacting clause the following:

"Section 1. Section fifteen hundred and twenty-one of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, of the printed bill, strike out the word "section" and the figure "1."

Amendment adopted.

And:

On page 4, of the printed bill, strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the county board of education.

During second reading of bill, the following amendments were submitted by committee:

On page 1, after the enacting clause add:

"Section 1. Section seventeen hundred seventy-five of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, of the printed bill, strike out the word "section" and the figure "1."

Amendment adopted.

Also:

On page 2, line 27, of the printed bill, strike out all of line 27 after the figure 3 in parenthesis, and also all of lines 28 to 34 both inclusive, and in lieu thereof insert the following: "To holders of diplomas of graduation of the four-year course of the University of California or Leland Stanford Junior University, when said holder of such diploma shall have had six months training in one of the State normal schools of this State or has had eight months' successful experience in teaching in the public schools of California after graduation."

Amendment adopted.

And:

On page 4, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

During second reading of bill, the following amendment was submitted by committee:

On page 1, title, line 3, strike out the word "incorporation," and insert in lieu thereof the following: "incorporation."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 143—An Act providing for an appropriation of \$1,800 for the purchase of a cylinder printing press for Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 144—An Act providing for an appropriation of \$3,500 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 145—An Act providing for an appropriation of \$1,000 for the purchase of books and periodicals for the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 146—An Act providing for an appropriation of \$3,500 for repairs on the main building of the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 147—An Act providing for an appropriation of \$5,000 for the erection of a manual training building on the grounds of the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 149—An Act providing for an appropriation of \$2,500 for the purchase of a boiler for the Whittier State School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 3, line 3, insert after the word "appropriated," the words "out of any money in the treasury not otherwise appropriated."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, before the words "or other noxious weeds," insert the following: "Johnson grass (*Sorghum halepense*)."

Amendment adopted.

Also:

On page 1, Section 1, line 15, before the words "or other noxious," insert the following: "Johnson grass."

Amendment adopted.

Also:

On page 4, Section 2, line 9, strike out the word "infested," and insert in lieu thereof the following: "infected."

Amendment adopted.

Also:

On page 4, Section 2, line 12, before the words "or other," insert the following: "Johnson grass."

Amendment adopted.

Also:

On page 4, Section 2, line 16, strike out the word "infested," and insert in lieu thereof the following: "infected."

Amendment adopted.

Also:

On page 4, Section 2, line 18, before the words "or other," insert the following: "Johnson grass."

Amendment adopted.

Also:

On page 4, Section 2, line 19, before the words "he shall require," insert the following: "that."

Amendment adopted.

Also:

On page 4, Section 2, line 22, before the words "or other noxious weeds," insert the following: "Johnson grass."

Amendment adopted.

Also:

On page 4, Section 2, line 27, before the words "or other," insert the following: "Johnson grass."

Amendment adopted.

Also:

On page 5, Section 2, line 45, before the words "other noxious weeds" insert the following: "Johnson grass or."

Amendment adopted.

Also:

On page 5, Section 2, line 58, before the words "or other noxious weeds," insert the following: "or Johnson grass."

Amendment adopted.

And:

On page 6, Section 5, line 6, strike out the word "Five," and insert in lieu thereof the following: "Six."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Estudillo asked for and was granted unanimous consent to withdraw Senate Bill No. 91—An Act to promote the horticultural interest of the State by providing County Commissions of Horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Senate Bill No. 91 withdrawn and ordered stricken from the file.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator McCartney, the second reading file of Assembly bills was taken up for consideration.

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1876, line 6, of the printed bill, after the word "void" strike out the "period (.)," and insert a "colon (:)."

Amendment adopted.

Also:

On page 1, Section 1876, line 6, of the printed bill, strike out the word "except," and insert in lieu thereof the word "provided."

Amendment adopted.

Also:

Offered by Senator Thompson:

On line 1, of the printed amended bill, before the word "section," insert the following: "Section 1."

Amendment adopted.

Also:

In line 3 of the printed amended bill, strike out the word "Section."

Amendment adopted.

Also:

In line 7, of the printed amended bill, strike out the word "seventy" and insert in lieu thereof the word "forty."

Amendment adopted.

And:

In line 12 of the printed amended bill, after the word "supplies" strike out the "period," and insert in lieu thereof a comma, and the following: "but in all such cases the requisition drawn in his favor in payment for services or supplies must be signed by the other two trustees before it shall be subject to approval by the superintendent of schools."

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

During second reading of bill, the following amendments were offered by Senator McCartney:

Amend by striking out of Section 9, line 4, of printed bill, the words "a deputy," and inserting in lieu thereof the following: "two deputies, one of whom shall maintain his office in the city of Los Angeles, Cal."

Amendment adopted.

And:

Amend by striking out of Section 10, line 4, of printed bill, the word "commissioner," and inserting in lieu thereof the following: "commissioners"; also after the word "dollars," line 6, page 2, insert the word "each."

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 67—An Act authorizing suits against the State concerning real property, and regulating the procedure therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

During second reading of bill, the following amendment was submitted by committee:

On page 1, amend the title in line 3, by striking out the words "number of trustees," and insert in lieu thereof the word "incorporation."

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

During second reading of bill, the following amendment was offered by Senator Curtin:

Amend by adding to Section 1, line 22, of printed bill, after the word "purposes" the following:

"Provided, however, that whenever such municipal corporation shall desire to take any of the waters of this State for the purposes mentioned in this Act such municipal corporation shall comply with and be subject to all the provisions of title VIII, Sections 1410 to 1422, of the Civil Code of California."

Amendment read, and ordered printed in the Journal.

Bill ordered on file as unfinished business.

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 73—An Act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read second time, and ordered on file for third reading.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SUSPENSION OF RULES.

Senator Wright moved that Rule 14 of the Standing Rules of the Senate be suspended for this day.

Motion duly seconded, and unanimously carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 63, the same was taken up for consideration.

Assembly Bill No. 63—An Act to add a section to the Penal Code, to be known as Section 337a thereof, relating to gambling by pool selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

Read third time.

SENATOR WRIGHT IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Senator Wright, of the Fortieth District, in the chair.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At three o'clock and ten minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 63 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Welch, Willis, and Wright—33.

NOES—Senators Finn, Hare, Hartman, Leavitt, Reily, Weed, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 5, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Welch, Willis, Wolfe, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 4, 1909, the further reading was dispensed with, on motion of Senator Boynton.

APPROVAL OF THE JOURNALS.

The Journals of Friday, January 22. Monday, January 25, Tuesday, January 26, Wednesday, January 27. Thursday, January 28. and Friday, January 29, 1909, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Weed was, on motion of Senator Bills, granted leave of absence for this day.

Senator Leavitt was, on motion of Senator Strobridge, granted leave of absence for this day.

Senator Savage was, on motion of Senator Rush, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence until Monday, February 8, 1909.

Senator Hare was, on motion of Senator Kennedy, granted leave of absence until Monday, February 8, 1909.

Senator Holohan was, on motion of Senator Campbell, granted leave of absence until Monday, February 8, 1909.

Senator Walker was, on motion of Senator Black, granted leave of absence until Monday, February 8, 1909.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. F. J. Solinsky, of Calaveras County.

Also:

On request of Senator Boynton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. M. Chubbuck, sheriff of Butte County.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered seventeen hundred and twenty-four, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Also: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

And report that the same have been correctly enrolled and presented the same to the Governor on this fourth day of February, 1909, at two o'clock P. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 4—Relative to the establishment of a parcels post.

Also: Senate Bill No. 623—An Act to amend Section 607e of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Also: Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the railroad commission for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Also: Senate Bill No. 228—An Act to provide for work upon and the construction of sidewalks within municipalities.

Also: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Senate Bill No. 143—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Senate Bill No. 144—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Senate Bill No. 145—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No. 146—An Act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 147—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of twenty-five hundred dollars to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Also: Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid, and repealing section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r, 1426s, 1426t, 1426u, 1426v, 1426w, 1426x, 1426y, 1426z, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing acts in conflict herewith.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

Senate Bills Nos. 623, 636, 684, 685, 364, 752, 226, 328, 708, 143, 144, 145, 146, 147, 149, 113, 169, 520, 521, 523, 652, 653, 654, 182, 343, and 32, ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½—was passed, the same was taken up for consideration.

Senator Miller moved that the vote whereby Senate Bill No. 238 was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senator Miller—1.

NOES—Senators Anthony, Bates, Bills, Birdsell, Black, Boynton, Curtin, Cullen, Estudillo, Finn, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Roseberry, Sanford, Strobridge, Thompson, Wolfe, and Wright—22

Senate Bill No. 238 ordered transmitted to the Assembly.

SPECIAL ORDERS POSTPONED.

Senator Anthony moved that the special order heretofore set for Friday, February 5, 1909, immediately after the reading of the Journal, the same being the consideration of the report of the Committee on Executive Communications relative to the special message from the Governor of January 25, 1909, regarding anti-alien legislation, be postponed until Monday, February 8, 1909, immediately following the consideration of the special order heretofore set.

Motion carried.

Also:

Senator Estudillo moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 2 was refused adoption, be postponed until Monday, February 8, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor—was passed, be now reconsidered.

Motion duly seconded.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of the motion to reconsider the vote whereby Senate Bill No. 59 was passed, be made a special order for Tuesday, February 9, 1909, immediately after the reading of the Journal.

Motion carried.

SPECIAL MESSAGE FROM THE GOVERNOR.

The following special message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

To the Senate and Assembly.

GENTLEMEN: Believing that there should be a further and more careful consideration of Assembly Bill No. 14, which provides that boards of school trustees shall have the power to establish separate schools for children of Japanese and that thereafter they shall not be admitted into any other public school, and further believing that the enactment of provisions of said bill will at this time affect the interests of the entire nation, and perhaps seriously, I most respectfully request you to reconsider the vote by which said bill was passed and take the matter up for further and most careful consideration.

Within a few hours after the passage of said bill, the President of the United States, alarmed at the possible consequences of the enactment of such a law, sent to me a telegram containing the following language:

"This is the most offensive bill of all, and in my judgment is clearly unconstitutional, and we should at once have to test it in the courts. Can it not be stopped in the Legislature or by veto?"

A telegram so forcible as this coming from the President of the United States is entitled to full consideration and demands that no hasty or ill-considered action be taken by this State which may involve the whole country. It seems to me that it is time to lay sentiment and personal opinion and considerations aside and take a broad and unprejudiced view of the important question involved in the proposed legislation, and in a calm and dispassionate manner pass upon them, keeping in mind not only the interests of our State but of the nation as well, and the duty we owe to it in observing the treaties entered into by it with a friendly power.

Two years ago the question now under consideration engaged the attention of our Government and Japan, because of a resolution adopted by the Board of Education of San Francisco, directing that all Chinese, Japanese and Korean children be sent to the

Oriental public schools. Japan at once called the attention of our Government to this resolution, which it claimed discriminated against its subjects, and in violation of its treaty. It contended that the admission of alien children of other foreign countries into the public schools of San Francisco and the denial of that right to the children of its citizens residing there, constituted a denial to them of the privileges, liberties and rights relating to the rights of residence accorded to the subjects and citizens of the most favored nation. Our Government acquiesced in the views expressed by Japan, and to enforce that nation's rights under its treaty, commenced an action in the Circuit Court of the United States to enjoin the school board of San Francisco from carrying out the provisions of said resolution. It was alleged in the bill in equity filed therein that the passage of this resolution violated the treaty between Japan and this country and prevented the United States from carrying out its treaty obligations to the Empire of Japan and to its citizens and subjects as is the right and duty of the United States, and imperatively demanded by the national interests.

This action was never tried, but was dismissed on the withdrawal by the school board of San Francisco of the resolution complained of.

Every one supposed that this vexed question was settled. In fact the people of the State had about forgotten it and were no longer paying much attention to it until the bill under consideration was introduced in the Assembly. There has been no general demand for such legislation there is no immediate or present danger to our schools, and no bad influence exists therein, by reason of the attendance of any Japanese pupil, so far as is known. In fact, there are but very few Japanese pupils attending our public schools, and there is no occasion, at present at least, for any unnecessary alarm.

It is claimed by Japan, and admitted by the authorities in Washington, that the bill, if passed, will be in violation of the treaty existing between the two governments. Without expressing any opinion upon this subject, it being a debatable one, I wish to call your attention to the views of Japan, and conceded so far, by our Government, to be correct. There is contained in the present treaty with Japan, the following language, to wit: "In whatever relates to rights of residence and travel * * * the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights * * * of the most favored nation."

The rights of residence in a nation secures police protection to both person and property, the right to engage in business; the right to the protection of the courts and the laws of the land; the right to own and dispose of property; the right to attend places of public amusement; the right to seek pleasure and enjoyment and the right to acquire an education.

By our constitution and laws, the State of California has provided a free public school system where certain privileges have been provided for all resident children, native born and aliens. To support this school system, money is raised by taxation levied upon the property of both citizens and aliens. The law also provides for the compulsory attendance of all resident children, whether of aliens or citizens. To our public schools are admitted the children of a subject of all European nations. This is a great privilege which our State extends to them. This right is given to them by virtue of their residence within the State, and is part of our public policy to encourage education and to improve and develop the minds and character of those who make their homes here, independent of their citizenship.

Japan, under its treaty, being one of the favored nations, and being jealous of the rights of its citizens, claims for them and their children the same rights and privileges as are accorded to the subjects of other favored nations. This claim our Government recognizes and stands ready to enforce. If the treaty, as claimed, guarantees to Japanese children the rights and privileges accorded to the children of aliens of other nations, then those rights and privileges, so long as the treaty remains, should be observed, and if our morals and citizenship are to be endangered thereby, then the treaty, so far as it guarantees that right, should be annulled by the General Government, as this State has no power to do so. While the treaty with Japan does not, and can not, require a State to establish or maintain a system of public schools or to admit alien residents therein, yet it is contended by the authorities in Washington that the United States can by treaty, assure to the resident citizens of that nation a treatment and enjoyment of rights and privileges equal to those afforded to the citizens of any other foreign nation, and if a State should see fit to extend privileges to alien residents, as well as to citizen residents, the State will not be allowed to discriminate against the citizens of that country with which the treaty has been made. If the State grants certain privileges to the citizens of one foreign country, it can not deny them to the citizens of another, having the same rights by treaty.

It is further contended that if a State chooses to supply education, as a governmental function, it can not discriminate by excluding from its public schools the alien children of any particular nation enjoying treaty rights. In speaking of the action of the school board of San Francisco, Secretary Root said "No State can set up its laws as against the grant of any particular right, privilege, or immunity, any more than against the grant of any other right, privilege, or immunity. No State can say a treaty may grant to alien residents equality of treatment as to property, but not as to education." "There were questions of policy, questions of national interest and State interest arising under the administration of the treaty and regarding the application of this provision to the conditions existing on the Pacific coast." "The best interest of the whole country is always the true interest of every State and city, and the protection of the interests of every locality in the country is always the true interest of the nation."

These words are strikingly true and the wisdom of them should be observed and considered by you in your deliberation.

I trust that no action will be taken which will violate any treaty made by our country or in any manner question its good faith. I most respectfully submit this message to you, with the full hope and belief that when final action shall be taken, that nothing will be done which can be the subject of criticism by the people of this nation, and that no law will be enacted which would be in contravention of the constitution or any treaty of the United States.

J. N. GILLET, Governor.

Message read, ordered printed in the Journal, and referred to Committee on Executive Communications.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 695—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 695 ordered referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees.

Also: Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,' to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874."

Also: Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville, approved April 1, 1864."

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Senate Bill No. 814 ordered on file for second reading.

Assembly Bills Nos. 172, 314, and 316 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 482 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the

practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen and sixteen thereof - have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 680 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator McCartney: Senate Bill No. 906—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 907—An Act to amend Section 25 of the Civil Code defining who are minors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 909—An Act to amend Section 1662 of the Political Code.

Bill read first time, and referred to Committee on Education.

By Senator Birdsall: Senate Concurrent Resolution No. 7—Relative to actions brought by the United States against citizens of this State.

Senate concurrent resolution referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other methods, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 499 and 500

thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Bill read first time, and referred to Committee on County Government.

By Senator Boynton: Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and school of agriculture thereon to June 30, 1909, and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 therefor, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Price: Senate Bill No. 914—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 915—An Act to amend section one of an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

Senate constitutional amendment referred to Committee on Education.

By Senator Wolfe: Senate Bill No. 916—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered --, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements, and prescribing penalties therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587*c*, to prevent the evading or attempting to evade payment of fare upon railroads.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 918—An Act to add to the Penal Code of the State of California a new section to be numbered 587*d*, to prevent entering upon or alighting from railroad trains while in motion.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 920—An Act to add to the Penal Code of the

State of California a new section to be numbered 587*b*, to prevent trespassing upon locomotives, tenders, cars, and trains.

Bill read first time, and referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Bill read first time, and referred to Committee on County Government.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the substitute do pass.

MARTINELLI, Chairman.

Senate Bill No. 600 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over—have had the same under consideration, and respectfully report the same back, without recommendation.

WILLIS, Chairman.

Senate Constitutional Amendment No. 13 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Also: Senate Bill No. 822—An Act to appropriate money for better protection against forest and field fires.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to the Committee on Finance.

WILLIS, Chairman.

Senate Bills Nos. 821 and 822 ordered referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

On motion of Senator Wolfe, the second reading file was taken up for consideration.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the words "the State of."

Amendment adopted.

Also:

On page 1, line 4, strike out the word and figure "Section 1," and insert in lieu thereof "286."

Amendment adopted.

And:

On page 1, line 8, strike out the words: "shall be guilty of a felony, and shall be imprisoned," and insert in lieu thereof the words "is punishable by imprisonment."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

On motion of Senator Welch, Senate Bill No. 227 was temporarily passed on file, to retain its place.

Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 1, of Section 1, strike out all after "Section 1," and insert in lieu thereof the following:

This Act shall be known as the "Juvenile Court Law," and shall apply only to children under the age of eighteen years not now or hereafter inmates of a State institution.

For the purposes of this Act, the words "dependent child" shall mean any child under the age of eighteen years:

(1) Who is found beginning, receiving or gathering alms, whether actually beginning or under the pretext of selling or offering anything for sale; or

(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

(3) Who is a vagrant; or

(4) Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(5) Who has no parent or guardian; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(6) Who is destitute; or

(7) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such child; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Who is found living or being in any house of prostitution or assignation; or

(10) Who habitually visits, without parent or guardian, any saloon, pool room or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

(11) Who persistently refuses to obey the reasonable and proper order or directions of his parents or guardian; or

(12) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said minor; or

(13) Whose father is dead or has abandoned his family or is an habitual drunkard, or whose father does not provide for such minor, and it appears that such minor is destitute of a suitable home or of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle or immoral life; or where both parents of

such child are dead, or the mother, if living, is unable to provide proper support and care of such minor child; or

(14) Who is an habitual truant within the meaning of an Act entitled "An Act to enforce the educational rights of children, and providing penalties for the violation of said Act," approved March 24, 1903, and who is not placed in a parental school under the provisions of said Act, or who being over the age of fourteen years refuses to attend public or private school, as directed by his parents, duly authorized guardian or legal custodian; or

(15) Who habitually uses intoxicating liquor as a beverage or habitually smokes cigarettes, or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician.

The words "delinquent child" shall include any child under the age of eighteen years, who violates any law of this State, or any ordinance of any town, city, county, or city and county of this State, defining crime.

SEC. 2. The Superior Court in every county of this State shall exercise the jurisdiction conferred by this Act, and, while sitting in the exercise of its said jurisdiction, shall be known and referred to as the "Juvenile Court," and is hereinafter so referred to. In counties having more than one judge of the Superior Court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this Act. In counties of the first class such designation shall be made by the presiding judge. The orders and findings, if any, of the Superior Court, in all cases coming under the provisions of this Act shall be entered in a book to be kept for that purpose and known as the "Juvenile Court Record," and the court when acting under this Act shall be called the "Juvenile Court." All cases coming under the provisions of this Act shall be heard at a special or separate session of the court, and no other matter shall be heard at such session, nor shall there be permitted to be present at such session any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this Act.

SEC. 3. Any person may file with the clerk of the Superior Court a petition showing that there is within the county, or residing within the county, a dependent or delinquent child, and praying that the Superior Court deal with such child as provided in this Act. Such petition shall be verified and shall contain a statement of facts constituting such dependency or delinquency, as defined in section 1 of this Act. There shall be no fee for filing such petition.

SEC. 4. Upon the filing of the petition provided for in Section 3 hereof, a citation shall issue, requiring the person or persons having the custody or control of the child, or with whom the child may be to appear with the child at a time and place stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein for such appearance. The parents or guardian of the child, if residing within the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to petitioner, then some relative of the child, if any there be residing within said county, and if his residence and relationship to such child be known to petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. In any case the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceedings to be given as he may deem proper. If any person, cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, if so required in the citation, such failure shall constitute a contempt of said court, and may be punished as provided for in other cases of contempt of court. In case such citation can not be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child himself, or any or all of said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the child immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case the child may be retained in the possession of the person having charge of him, or may be kept, upon the order of the court in some suitable place, provided by the county, or city and county, or may be held otherwise as the court may direct.

SEC. 5. When any minor child under the age of eighteen years shall be found by said court or judge to be dependent or delinquent, within the meaning of this Act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officer or other person to remain in the home of the child. The court may thereafter set aside change, or modify such order at any time during the minority of such child and said child if a boy, may be committed to the Preston State School of Industry, or to the Whittier State School, during his minority, or, if a girl, may be committed to the Whittier State School until twenty-one years of age; *provided, however,* that before conveying any such minor to either of such institutions it shall be ascertained from the superintendent thereof whether such child

can be received; and if such child can not be received, the court shall make such other order for the disposition of such child as it may see fit.

Sec. 6. The judge of the superior court in and for each county, or city and county, of the State, and in counties where there is more than one judge of the said court, the judge who has been designated as "Judge of the Juvenile Court," shall, by an order entered in the minutes of the court, appoint seven discreet citizens of good moral character and of either sex, to be known as the "Probation Committee," and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee, and thereupon said persons shall appear before the judge of the superior court to whom has been assigned all proceedings under this Act, and qualify by taking an oath, which shall be entered in said Juvenile Court record, to faithfully perform the duties of a member of such probation committee.

Sec. 7. The members of such probation committee shall hold office for four years, and until their successors are appointed and qualify; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor.

Sec. 8. Members of the probation committee shall serve without compensation.

Sec. 9. The Superior Court, or any judge thereof, may at any time require said probation committee or probation officer to examine into the qualifications and management of any society, association or corporation, other than a State institution, receiving, or applying for, any child or children under this Act, and to report thereon to the court; *provided*, that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution.

It shall be the duty of each probation committee, prior to the first day of December in each year, to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except State institutions, applying for or receiving any child under this Act from the courts of their respective counties, and in such report said committee may make such suggestions or comments as to them may seem fit; such report to be filed in the office of the clerk of the court appointing such committee for the information of the judges thereof. The probation committee shall also have the control and management of the internal affairs of any detention home heretofore or hereafter established by the board of supervisors of their county; and it shall be the duty of the board of supervisors to provide for the payment of such employees as may be needed in the efficient management of such detention home.

Sec. 10. There shall be appointed, as hereinafter provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall be approved in like manner as the appointment of the probation officer himself. Such deputies, except as hereinafter provided, shall serve without compensation.

Sec. 10a. In counties, or cities and counties, of the first class, there shall be one probation officer and ten assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$225 per month; one assistant probation officer, \$175 per month; and nine assistant probation officers, at \$125 per month each.

Sec. 10b. In counties of the second class there shall be one probation officer and six assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$200 per month; one assistant probation officer, \$150 per month; five assistant probation officers, \$100 per month each.

Sec. 10c. In counties of the third class there shall be one probation officer and four assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$175 per month; one assistant probation officer, \$125 per month; and three assistant probation officers, \$100 per month each.

Sec. 10d. In counties of the fourth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, \$150 per month; assistant probation officer, \$100 per month.

Sec. 10e. In counties of the fifth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, \$175 per month; assistant probation officer, \$150 per month.

Sec. 10f. In counties of the sixth class there shall be one probation officer whose salary shall be \$125 per month.

Sec. 10g. In each of the counties of the eighth, tenth, sixteenth, and seventeenth classes there shall be one probation officer. The salary of each of said probation officers shall be \$100 per month.

Sec. 10h. In each of the counties of the twentieth and thirtieth classes there shall be one probation officer. The salary of each of said probation officers shall be \$75 per month.

Sec. 10i. In each of the counties of the twenty-fifth, thirty-third, thirty-fifth, fortieth, forty-first, forty-third, forty-sixth, fifty-second, fifty-third and fifty-fifth classes there shall be one probation officer. The salary of each of said probation officers shall be \$10 per month.

Sec. 10m. In each of the counties of the eleventh class there shall be one probation officer. The salary of said probation officer shall be \$80 per month.

Sec. 10n. In each of the counties of the fifty-sixth and fifty-seventh classes there shall be one probation officer. The salary of each of said probation officers shall be \$5 per month.

Sec. 10o. In every other county than those heretofore expressly enumerated the salary of the probation officer shall be \$35 per month.

Sec. 11. The salaries of all probation officers and assistant probation officers shall be paid out of the county treasury of the county for which they are appointed, respectively, in the same manner as the salaries of county officers.

Sec. 12. The probation officers, and assistant probation officers, and deputy probation officers in all counties of the State shall be allowed such necessary incidental expenses as may be authorized by the judge of the Juvenile Court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction and said expenses shall be paid out of the county treasury upon a written order of the judge of the Juvenile Court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses.

Sec. 13. The officers of probation officer and assistant probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county, or city and county, shall be nominated in such manner as the judge of the Juvenile Court in the respective counties, or city and county shall direct; and the appointment of such probation officers and assistant probation officers shall then be made by the judges of the respective juvenile courts. The term of office of probation officers, and of assistant probation officers, shall be two years from the date of their said appointments. Such probation officers and assistant probation officers may at any time be removed by the judge appointing them, in his discretion.

Sec. 14. It shall be the duty of the clerk of any court before which a child is brought under the provisions of this Act, before hearing, to notify the probation officer of the county thereof; except in cases where the child is brought before the court by a society, association or corporation which embraces within its objects the care of dependent or delinquent children, and which has in the last report thereon by the probation committee of such county, been favorably passed upon.

Sec. 15. The probation officer shall inquire into the antecedents, character, family history, environment and cause of delinquency or dependency of every child brought before his Juvenile Court and shall make his report in writing to the judge thereof; *provided, however,* that only when the judge so specially orders shall he make such inquiry or report in the case of a dependent or delinquent child who is already in charge of a society, association or corporation which embraces within its objects the care of dependent children, and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge, it shall through its agents or superintendent make such report to the judge in place of the probation officer.

It shall be the duty of said probation officer agent or superintendent of such society, association, or corporation to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as it may require and to make such report at such time; and to take such charge of the child before and after the hearing as may be ordered. Every probation officer and assistant probation officer shall have the powers of a peace officer. At any time, in his discretion, such officer may bring any child committed to his care before the court for such further or other action as the court may deem proper.

Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

Sec. 16. Whenever a deposition or complaint shall be filed in any court other than a Superior Court, charging a person with a crime and it shall be suggested to the judge, justice or recorder before whom such person is brought that the person charged is under the age of eighteen years, said judge, justice or recorder shall immediately suspend all proceedings against such person on said charge and examine into the age of such person and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder that such person is under the age above specified, he shall forthwith certify to the Juvenile Court of his county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) the age of such person, exactly as possible, giving the birthday when known, and (c) the suspension of proceedings against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceeding against the said person on said charge shall be suspended until said Juvenile Court shall issue its mandate, as hereinafter provided, directing the court before which said charge was pending to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the Juvenile Court of his county for consideration and proceedings under this Act. When such person shall be brought before the judge of the Juvenile Court, said judge shall cause a complaint to be filed as provided in Section 3 of this Act, and shall fix a time for considering said matter, and shall cause citation to be issued, as provided in Section 4 of this Act. Pending such hearing, said judge may admit such person to bail or otherwise provide for his temporary custody in

any manner provided herein for the care of the child after the finding of its delinquency. The judge of said Juvenile Court may further investigate the age of such person, and may also inquire into the condition and care of such person, and make such orders for his disposition under the provisions of this Act as he may deem proper. If said judge shall, after such investigation, decide that such person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive, and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; *provided, however*, that if the court shall find that the person so charged is under the age of eighteen years and a fit subject for consideration under the provisions of this Act, and is a delinquent child, he may make such order or orders hereunder as he may deem best in relation to such person; *provided further, however*, that if such judge shall at any time conclude that such person is not a fit subject for further consideration under this Act, he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge, and upon receipt of the mandate of said Juvenile Court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof. All statutes of limitation relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice, or recorder of his certificate hereinbefore provided for until said Juvenile Court, or the judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of eighteen years, shall be suspended as to such charge and person whenever, and as long as such person is before the Juvenile Court for consideration under the provisions of this Act, or is detained by virtue of any commitment issued hereunder and unrevoked; *provided, however*, that if said child shall be discharged by the Juvenile Court as reformed, such order of discharge shall constitute a bar to any further proceedings in any court against said child upon said charge.

SEC. 17. Whenever it is claimed that any child under the age of eighteen years is a delinquent child as defined in this Act, a verified petition shall be filed in the Juvenile Court of the county wherein said delinquency occurred, stating such delinquency and the facts constituting the same, and that said child is under the age of eighteen years, and praying that the said court shall adjudge said child to be a delinquent child within the meaning of this Act. Notice shall be given of the time and place of hearing as in the case of a child alleged to be a dependent child, and the petition shall be heard at the time and place designated by the Juvenile Court. If the court shall adjudge the child to be a delinquent child within the meaning of this Act, such order shall be made as is meet in the premises, as in this Act provided. If upon said hearing said court shall determine that said child is not a fit and proper subject to be dealt with under the reformatory provisions of this Act, said court may dismiss the petition hereunder, and direct that such child be prosecuted under the general law. No child under eighteen years of age shall be prosecuted for crime until the matter has first been submitted to the Juvenile Court by petition as herein provided, or by certificate of the lower court as provided in Section 16 hereof.

SEC. 18. Whenever any person over the age of eighteen years, and under the age of twenty years, is accused of a felony, and the indictment or information has been filed in the superior court of the county wherein the crime was committed, charging said person with the commission of said felony, the judge may, in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense, or an attempt to commit a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether said person shall be dealt with as a delinquent under the provisions of this Act. If the court is satisfied upon such investigation that said person should be declared delinquent and should be dealt with under this Act, it may make such order as herein provided for the disposition of delinquent children. If such person thereafter prove not to be amenable to the discipline of the school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a State penitentiary such person shall be returned to the custody of the sheriff of the county in which such crime was committed, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried for the offense alleged in the information, and if convicted shall be sent to the penitentiary for such time as the court may determine, or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires a trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty, as the case may be. If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a delinquent in the manner hereinbefore provided in case of the application and consent of the accused before trial, and may make such order of probation or commitment to said State schools, and may

from time to time modify said probation orders, as is herein provided in the case of children adjudged delinquent. If such person during the period of his commitment to said State institution proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to the penitentiary, then said person shall be returned to the Superior Court in which the verdict was rendered for sentence, and thereupon the court shall pronounce judgment.

Sec. 19. In the case of a child alleged to be delinquent within the meaning of this Act, the Juvenile Court may, pending the hearing, at any time before the child is adjudged delinquent or otherwise disposed of, order that said child be detained in any detention home provided for that purpose by any county, or it may be otherwise temporarily provided for as to the court may seem fit in any manner provided herein for the care of a child after the termination of his delinquency.

Sec. 20. If the court find a child to be delinquent, then the court may commit the child to the care and custody of the probation officer, and may allow the said child to remain in the home of said child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care and custody of the probation officer, to be placed in a suitable family home, subject to the supervision of said probation officer and the further order of the court; or it may order the probation officer to board out the child in some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of this child until suitable provision may be made for the child in a home without such payment; or the court may commit the child for such time during its minority as to the court may seem fit to the care and custody of some association, society or corporation that will receive it, embracing within its object the care of dependent or delinquent children; or the court may commit said child to a State school as hereinbefore provided, or to such other State institution as may be authorized by law to receive it. *Provided further*, that should the legislative body of the county, or city and county, or, if a municipality, provide a suitable place for the detention of such dependent or delinquent children, which they are hereby authorized and required to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order, at the end of which time said child shall be brought before the court for further order of court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place. The court shall retain the jurisdiction of any child who is found to be delinquent until such child attains its majority, or, if a girl, until said child attains the age of twenty-one years (unless she is married with the consent of the court), or until said court is satisfied that said minor has fully reformed, and that further direction and supervision under the provisions of this Act are unnecessary for his reformation. If a boy, said child may be committed by said court to the Whittier State School, or the Preston State School of Industry, at any time during his minority for the period of his minority. If a girl, she may be committed to the said Whittier State School at any time before she is twenty-one years of age until she is twenty-one years of age. Such child may be committed to any other institution now or hereafter provided by the State for such children. If such child, after being committed to the Whittier State School, or the Preston State School of Industry or such other institution, shall there prove to be incorrigible or incapable of reformation under the discipline of the school to which he may be committed, such child may be returned to the court for such further order or disposition as may at that time be determined. Upon the return of said child to the custody of the Juvenile Court, if said child be accused of felony, it shall be the duty of the judge of said court to sit as a committing magistrate and hold the preliminary examination of such child, and if upon said hearing he shall determine that there is probable cause to believe that the child has committed the offense charged in the petition theretofore filed in said court, he shall hold such child to answer to the Superior Court, and thereupon the usual proceedings shall be had for the trial of said case in the Superior Court after the filing of the information in pursuance to said order of said judge sitting as a committing magistrate, and said child shall be tried by court and jury in the usual manner for the trial of a felony. *Provided, however*, that no minor under the age of fourteen years at the time of the commission of the offense with which he is charged shall ever be sent to a penitentiary until he has first been committed to the Whittier State School, or the Preston State School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No minor who is under the age of eight years or who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said State schools shall be committed thereto. No minor shall be committed to said State schools unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory educational discipline of such schools.

Sec. 21. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintaining such child shall be paid by the parent or parents or guardian of such child, and in such case shall state the amount to be so paid, and shall determine whether or not the parent or parents or guardian shall exercise any control of said child, and define the extent thereof. Any disobedience of such

order or interference with the custody of the child as therein determined shall constitute a contempt of court.

If it be found, however, that the parent or parents or guardian of a dependent or delinquent child is unable to pay the whole expense of maintaining such child, the court may, in the order providing for the custody of such child, direct such additional amount as may be necessary to support such child to be paid from the county treasury of the county for the support of such child, the amount so ordered to be paid from the treasury of said county not to exceed, in case of any one child, the sum of eleven dollars per month; *provided, further*, that no order for the payment of all or part of the expense of support and maintenance of a dependent or delinquent child from the county treasury shall be effective for more than six months, unless a new order is secured at the expiration of that period. The court may thereafter set aside, change, or modify any order herein provided for.

SEC. 22. Any order made by said court in case of a dependent or delinquent person may at any time be changed and modified, as to the judge may seem meet and proper.

SEC. 23. Any child shall be entitled to a private hearing upon the question of its dependency or delinquency, and upon the request of said child, or either of his parents or guardian, such hearing shall be had privately in the manner provided by law for private hearings at preliminary examinations. An order of court adjudging a child dependent or delinquent under the provisions of this Act shall in no case be deemed to be a conviction of crime.

SEC. 24. No court, judge, magistrate or peace officer shall commit a child under sixteen years of age to any jail or prison, before trial and conviction, but if any such child is not released pending such hearing, he may be committed to the care and custody of a sheriff, constable, or other peace officer, who shall keep such child in a detention home or some other suitable place outside of the enclosure of any jail or prison, as the court may direct. When any child under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such child in the same room, yard, or enclosure with such adult convicts or prisoners, or to permit such child to come or remain in contact with such adult convicts or prisoners.

SEC. 25. It shall be the duty of the legislative body of every county, or city and county, immediately upon this Act becoming effective, to provide and thereafter maintain, at the expense of such county, or city and county, a suitable house or place to be known as the "Detention Home" of said county, or city and county, for the detention of dependent and delinquent children. Such detention home must not be in, or connected with, any jail or prison, and shall be conducted in all respects as nearly like a home as possible, and shall not be deemed to be or treated as a penal institution. Such governing body must also provide for a suitable superintendent and matron to have charge of such detention home, and provide for the payment, out of the general fund of the county, or city and county, of suitable salaries for such superintendent and matron, such employees to be appointed by said governing body, upon the nomination of the probation committee, and approval of the judge of the Juvenile Court.

SEC. 26. In all cases where any child shall be dependent or delinquent under the terms of this Act, the parent or parents, legal guardian, or person having the custody of such child, or any other person who shall, by any act or omission, encourage, cause or contribute to the dependency or delinquency of such child, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one thousand dollars or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and the Juvenile Court shall have jurisdiction of all such misdemeanors; *provided, however*, that the court may suspend sentence for a violation of the provisions of this section, and impose conditions as to the conduct, in the premises, of any person so convicted, and make such suspension to depend upon the fulfillment by such person of such conditions, and, in case of the breach of such conditions, or any thereof, the court may impose sentence as though there had been no such suspension. The court may also, as a condition of such suspension, require a bond in such sum as the court may designate, to be approved by the judge requiring same, to secure the performance by such person of the conditions imposed by the court on such suspension. Such bond shall by its terms be made payable to the State of California, and any moneys received for a breach thereof shall be paid into the county treasury.

SEC. 27. This Act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by his parents, and in all cases where it can be properly done, the child shall be placed in an approved family, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise. No child shall be taken from the custody of his parent or legal guardian, without the consent of such parent or guardian, unless the court shall find such parent or guardian to be incapable, or has failed or neglected to provide proper maintenance, training, and education for the child; or unless said child has been tried on probation in said custody, and has failed to reform, or unless the court shall find that the welfare of said child requires his custody shall be taken from said parent or guardian.

In this Act, words used in any gender shall include all other genders, the word "county" shall include "city and county," the plural shall include the singular, and the singular shall include the plural.

SEC. 28. This Act shall supersede all provisions of the Act entitled "An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, and all provisions of the Act entitled "An Act to establish a school of industry, and to provide for the maintenance and management of same, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto relating to the mode of commitments to the institutions therein named; but said Acts shall control as to all matters concerning the management of said institutions, respectively.

SEC. 29. An Act entitled: "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903; and the amendments thereto, approved March 22, 1905, and March 27, 1907, are hereby repealed; *provided, however*, that all orders and judgments made heretofore under said Act shall continue in full force and effect, and that the court shall retain jurisdiction of all children heretofore declared dependent or delinquent, and such children shall be hereafter dealt with in the same manner as if such orders had been made under the provisions of this Act, and all proceedings now pending shall be continued under the provisions of this Act. All children now on probation from justice courts shall remain on probation for the period fixed in the judgment, and if required may be certified to the Superior Court in the manner in said Act provided. When so certified the said certificate shall be dealt with in the same manner as herein provided for a petition alleging delinquency.

SEC. 30. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Caminetti, Senate Bill No. 754 was temporarily passed on file, to retain its place.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

During second reading of bill, the following amendment was submitted by committee:

On page 7, end of bill, insert the following: "Section 8. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 196—An Act to amend Section 3628 of the Political Code, relating to the assessment of property.

Senate Bill No. 196 ordered re-referred to Committee on Revenue and Taxation.

Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

During second reading of bill, the following amendments were submitted by committee:

Amend printed bill on page 1, Section 1, line 3, by striking out the word "forty," and inserting in lieu thereof the word "twenty."

Amendment adopted.

Also:

Amend on page 1, Section 1, line 4, by striking out the word "four," and inserting in lieu thereof the word "two."

Amendment adopted.

And:

Amend the title by striking out therefrom the word "four," and inserting in lieu thereof the word "two."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Bill read second time, ordered engrossed, and on file for third reading.

UNFINISHED BUSINESS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

During second reading of the bill, the following amendment was offered by Senator Curtin:

Amend by adding to Section 1, line 22, of printed bill, after the word "purposes" the following:

"Provided, however, that whenever such municipal corporation shall desire to take any of the waters of this State for the purposes mentioned in this Act such municipal corporation shall comply with and be subject to all the provisions of title VIII, Sections 1410 to 1422, of the Civil Code of California."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Senator Stetson, Senate Bill No. 754 was taken up for immediate consideration.

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

On motion of Senator Willis, Senate Joint Resolution No. 15 was taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 15.

Relating to the changing of old names of the United States forest reserves.

WHEREAS, On December 20, 1892, the San Gabriel Forest Reserve was created by proclamation of the President of the United States and on February 25, 1893, the San Bernardino Forest Reserve was created in a similar manner, and on February 14, 1907, the San Jacinto Forest Reserve was created in a similar manner, all being situated in the southern part of California; and

WHEREAS, The names given to these respective reserves at the time of their creation are the ancient names of the mountain ranges in which they are situated, and they were and still are, well-known names; and

WHEREAS, On the 26th day of June, 1908, by proclamation of the President of the United States, upon recommendation of the Department of Agriculture and through the suggestion and influence of the Hon. Gifford Pinchot, the Forester of the United States, the San Bernardino and San Gabriel forest reserves were combined and given the new name of Angelus Forest Reserve, and the San Jacinto Forest Reserve was renamed Cleveland Forest Reserve; and

WHEREAS, The people residing in the neighborhood of these reserves, and the people generally throughout the State have become accustomed to and attached to the ancient names adopted and used in California; and

WHEREAS, The changing of these names not only is deplored by the people of California from sentimental reasons, but is the cause of great confusion in the use of the names; therefore, be it

Resolved by the Senate and Assembly jointly, That the President of the United States be and he is hereby requested to take the necessary steps and issue necessary proclamations to restore to these reserves their original ancient names.

Senate joint resolution read.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cullen, Estudillo, Hurd, Martinelli, McCartney, Miller, Roseberry, Savage, Stetson, Willis, Wolfe, and Wright—21.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Joint Resolution No. 15, relating to the changing of old names of the United States forest reserves, was this day adopted.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Wolfe, the President declared the Senate adjourned until Monday, February 8, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 8, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Rev. Father Thomas Lantry O'Neill.

READING OF JOURNAL.

During the reading of the Journal of Friday, February 5, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Rush was, on motion of Senator Strobbridge, granted leave of absence for this day.

Senator Caminetti was, on motion of Senator Hare, granted leave of absence for this day.

Senator Campbell was, on motion of Senator Hare, granted leave of absence for this day.

SPECIAL ORDER.

Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time on previous day.

SPECIAL ORDERS POSTPONED.

Senator Strobbridge moved that the further consideration of Senate Bill No. 552 be postponed until Tuesday, February 9, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

Also:

Senator Leavitt moved that the special order heretofore set for Monday, February 8, 1909, immediately after the reading of the Journal, the same being the consideration of the report of the Committee on Executive Communications relative to the special message from the Governor of January 25, 1909, regarding anti-alien legislation, be postponed until Thursday, February 11, 1909, immediately after the reading of the Journal.

The motion was duly seconded.

The question being upon the motion to postpone.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Walker, Weed, Willis, and Wolfe—25.

NOES—Senators Anthony, Boynton, Finn, Hare, and Reily—5.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Estudillo moved that the vote whereby Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books—was refused adoption, be now reconsidered.

The motion was duly seconded.

The question being upon the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

MOTION.

Senator Estudillo moved that Senate Constitutional Amendment No. 2 be referred to Committee on Judiciary.

Motion carried.

Senate Constitutional Amendment No. 2 ordered referred to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were offered:

By Senator Price:

Resolved, That the name of Lyman Green, Press Mailing Clerk at \$4.00 per day, be dropped from the roll of attachés, and in his stead the name of George P. Lovejoy be substituted as Committee Clerk, at the rate of \$4.00 per day, said change to go into effect this day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Willis—27.

NOES—None.

Whereupon the President of the Senate ordered the substitution made, and declared the above named person had been duly elected.

Also:

By Senator Hurd:

Resolved, That the Chairman of the Committee on Hospitals and Asylums be authorized to select nine members of the Senate who represent members of the different committees to whom bills have been referred calling for appropriations who, together with a Sergeant-at-Arms, are hereby authorized to visit the different places and institutions and investigate the necessity therefore, that they be allowed

their necessary expenses for such trip or trips upon the presentation of their report, and the said members of such committee be granted leaves of absence necessary for the work.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, and Willis—27.
NOES—Senators Anthony and Wolfe—2.

Also:

By Senator Black:

Resolved, That the name of F. R. Estes, as History Clerk, be stricken from the roll of attachés of the Senate, and that of J. W. Harper be substituted in place thereof.

Also: That the name of J. W. Harper be stricken from the roll of attachés as Assistant History Clerk, and the name of Dicy A. Baugh be substituted in place thereof.

Same to take effect this day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—26.
NOES—None.

Whereupon the President of the Senate ordered the substitutions made, and declared the above named persons had been elected.

Also:

By Senator Kennedy:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00 payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Wolfe:

WHEREAS, The cost of living in California has for many years gradually and steadily increased, until the payment of the actual necessities of life has become a burden and just cause for complaint; and

WHEREAS, The anti-trust law passed at the thirty-seventh session of the Legislature of the State of California has not been productive of any appreciable results so far as a reduction in the cost of living is concerned; and

WHEREAS, Under existing conditions it is claimed that the producer is not receiving a fair return for the products of the soil, and that the consumer is paying a price for the products consumed that is unjust and burdensome, many instances of which condition have been called to the attention of this Senate, two illustrations of which will suffice; namely, that the raisin producers of Fresno were receiving a cent and a half per pound for raisins at the point of production, while the consumers in San Francisco paid fifteen cents per pound for raisins; and the difference in price between what is paid to fishermen for their catch of fish and the price charged to consumers; and

WHEREAS, It appears in many parts of the State that the difference between the first cost of production and the price to the consumer is unjust and unwarranted, and it is charged that a combination exists in violation of law to maintain these high and unwarranted prices; now, therefore, be it

Resolved, That a special committee of three Senators be appointed by the President of the Senate to investigate the conditions which permit such inequalities in the cost of production and the price of products to the consumer, and recommend to the Legislature at its next session such statutes as may ameliorate the present conditions; and be it further

Resolved. That the said committee shall have the power to subpoena witnesses and send for persons and papers, and issue subpoenas where necessary; and be it further

Resolved. That there is hereby set aside from the contingent fund of the Senate, for the purpose of defraying the necessary traveling and contingent expenses of the said committee, the sum of five thousand (\$5,000.00) dollars.

Resolution read, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 540—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum two thousand dollars therefor.

Also: Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section to be numbered 2a, and repealing Section 10b of said Act.

Also: Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Also: Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees, or servants, and providing a penalty for the violation thereof.

Also: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code of the State of California, relating to trade-marks.

Also: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

Also: Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Senate Bill No. 514—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Also: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Also: Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Also: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Also: Senate Bill No. 696—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators and guardians, to make leases of the real estate of decedents.

Also: Senate Bill No. 698—An Act to amend section one thousand three hundred and ninety-two of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings.

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Also: Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Also: Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 552—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known, and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Also: Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e*, of the Political Code, relating to county boards of horticulture.

Also: Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 27, 590, 754, 272, 510, 47, 512, 587, 667, 118, 56,

655, 635, 734, 495, 514, 648, 729, 694, 270, 212, 634, 217, 696, 698, 548, 735, 353, 354, 559, 522, 649, and 507 ordered on file for third reading.

RE-REFERENCE OF BILLS TO COMMITTEE.

Senator Stetson moved that Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled, "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses"—be re-referred to Committee on Corporations.

Motion carried.

Senate Bill No. 27 ordered re-referred to Committee on Corporations.

Also:

Senator Stetson moved that Senate Bill No. 754—An Act granting certain lands and salt marsh tide lands of the State of California, to the city of Oakland—be re-referred to Committee on Public Buildings and Grounds.

Motion carried.

Senate Bill No. 754 ordered re-referred to Committee on Public Buildings and Grounds.

ANNOUNCEMENT.

The President announced that, in accordance with the report and recommendation of the Committee on Federal Relations, adopted February 3, 1909, he had appointed Senators Wolfe and Bills to act with the Committee on Federal Relations in the matter of investigation of freight and express rates.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Also: Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Have had the same under consideration, and respectfully report the same back, with the recommendation that same do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 805 and 812 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Also: Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

MINORITY REPORT ON SENATE BILL NO. 462.

SACRAMENTO, CAL., February 5, 1909.

MR. PRESIDENT: The undersigned, a minority of your Committee on Judiciary, to whom was referred Senate Bill No. 462, have had the same under consideration, and hereby return the same, with the recommendation that it do not pass.

CUTTEN,
CAMINETTI,
CAMPELL,
ROSEBERRY,

Minority.

Senate Bills Nos. 726, 801, and 462 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 100—An Act to amend Section 1070 of the Political Code, relating to the number of peremptory challenges.

Also: Senate Bill No. 218—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do not pass.

WILLIS, Chairman.

Senate Bills Nos. 100 and 218 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 461—An Act to amend Section 4131 of the Political Code, relative to the duties of county recorders.

Also: Senate Bill No. 140—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also: Senate Bill No. 141—An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the authors be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 461, 140, and 141 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Estudillo asked for and was granted unanimous consent to withdraw Senate Bill No. 461—An Act to amend Section 4131 of the Political Code, relative to the duties of county recorders.

Senate Bill No. 461 withdrawn, and ordered stricken from the file.

Also:

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bills Nos. 140 and 141.

Senate Bill No. 140—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Senate Bill No. 141—An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases.

Senate Bills Nos. 140 and 141 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Also: Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two a, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Also: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled, "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and journals.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 12, 690, 554, 555, 556, 678, 183, and 778 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 115—An Act to regulate the organization of fraternal insurance organizations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BATES, Chairman.

Senate Bill No. 115 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch, at Atascadero, California, for military camps, maneuvers and rifle ranges for regular troops and National Guard—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Senate Joint Resolution No. 2 ordered on file.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate

minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 194—An Act to amend sections two, three and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Also: Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REILY, Chairman.

Senate Bills Nos. 632, 633, 194, and 195 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Senate Bill No. 492 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 280—An Act to amend section one hundred ninety-seven of the Civil Code, relating to the custody, services and earnings of minors.

Also: Senate Bill No. 374—An Act to regulate the work and hours of employees engaged in the occupation of cooks, waiters and waitresses in public eating houses and providing a penalty for violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that the same be referred to the Committee on Judiciary.

REILY, Chairman.

Senate Bills Nos. 280 and 374 ordered referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Walker (by request): Senate Bill No. 922—An Act to amend Section 121 of the Code of Civil Procedure, prescribing the powers and jurisdiction of Police Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 923—An Act entitled an Act to amend Section 1737 of the Code of Civil Procedure, relating to public administration.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city or city and county in said State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Constitutional Amendment No. 38, relative to formation of new counties.

Senate constitutional amendment referred to Committee on County Government.

By Senator Weed: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Bill read first time, and referred to Committee on Finance.

By Senator Bell: Senate Bill No. 926—An Act to amend Section 4013 of the Political Code, and to add a new section to said Code, to be known and numbered as Section 4152a, creating the office of divorce examiner in each county, and providing for his powers, duties and compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 927—An Act to amend Section 446 of the Code of Civil Procedure, relating to the signing and verification of pleadings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 929—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 930—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Joint Resolution No. 17—Relative to Japanese immigration and naturalization.

Senate joint resolution referred to Committee on Foreign Relations.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Martinelli: Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the costs for such insurance from the revolving fund for the purchase of jute.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Hare: Senate Bill No. 935—An Act prohibiting ring fights, prize fights, glove contests, or any other premeditated fight, contest, or contention, by whosoever name or names it or they may be called, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator McCartney: Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 938—An Act to amend Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 940—An Act to make Good Friday a legal holiday.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry (by request): Senate Bill No. 942—An Act to amend Section 69 of the Civil Code and to add two new sections thereto, to be numbered Sections 69a and 69b, relating to the issuance of marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 943—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Thompson: Senate Bill No. 945—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 946—An Act to add a new section to the Civil Code of the State of California, to be numbered 108, relating to conviction of felony, as ground for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 947—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code of the State of California, relating to dissolution of marriage and legal separation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 948—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 949—An Act to amend section eight hundred fifty of the Code of Civil Procedure of California, relating to the setting of the hearing of issues of law and of fact in Justice Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 950—An Act to amend section eight hundred ninety of the Code of Civil Procedure of California, relating to judgments of dismissal in civil actions in Justice Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 951—An Act to add a new section to the Code of Civil Procedure of California, to be known as section eight hundred ninety *a*, relating to dismissals of civil actions in Justice Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 952—An Act to add three new sections to the Code of Civil Procedure of California, to be known as sections nine hundred twenty-seven, nine hundred twenty-eight, and nine hundred twenty-eight *a*, all relating to notices in civil actions in Justice Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 953—An Act to amend Section 598 of the Civil Code of the State of California, relating to the sale, mortgage and bonding of real property owned by corporations organized for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 954—An Act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in Justices' Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 955—An Act to add a new section to the Political Code of the State of California, to be known and numbered as section one thousand eight hundred ninety-four, relating to school buildings, school sites, and playgrounds.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, relating to the use of text-books in the public schools.

Bill read first time, and referred to Committee on Education.

By Senator Wright: Senate Bill No. 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 962—An Act making an appropriation to pay the claim of Montgomery M. Moulton.

Bill read first time, and referred to Committee on Finance.

By Senator Stetson: Senate Bill No. 963—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer the estate of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 finally passed by the following vote:

AYES—Senators, Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cuten, Finn, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Wolfe as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 4, of printed bill, the words "two deputies, one of whom shall maintain his office in the city of Los Angeles, Cal., who shall have the same powers as said commissioner," and inserting in lieu thereof the following: "a deputy, who shall have the same powers as said commissioner, an assistant deputy, who shall reside in the city of Los Angeles,"

And:

Amend by striking out of Section 2, line 4, of printed bill, the words "commissioners shall be three thousand dollars per annum, the salary of the deputy commissioner shall be twenty-four hundred dollars each per annum", and inserting in lieu thereof the following: "commissioner shall be three thousand dollars per annum, the salary of the deputy commissioner shall be twenty-four hundred dollars per annum, the salary of the assistant deputy shall be twenty-one hundred dollars per annum.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 140, with instructions to amend, respectfully report the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 67—An Act authorizing suits against the State concerning real property and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Cutten, Estudillo, Hare, Hurd, Leavitt, Lewis, Miller, Price, Reily, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 52 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys.

Read third time.

On motion of Senator Willis, Senate Bill No. 161 was temporarily passed on file, to retain its place.

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one, to amend as follows:

By inserting the figures "3457" at the beginning of the sentence and before the word "The", in line 3, page 1, of the bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 232, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 73—An Act to amend sections one, three, four, five,

six, seven, nine, ten, thirteen, fourteen and twenty of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Read third time.

On motion of Senator Willis, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 390—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Estudillo, Finn, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 172—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first,

eighteen hundred and sixty-four,''' to provide ways and means for building, furnishing, and repairing schoolhouses in said city and for other purposes, approved March 16, 1874.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Caminetti, Senator Willis moved that the vote whereby Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves—was adopted, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Willis moved that the further consideration of the motion to reconsider the vote whereby Senate Joint Resolution No. 15 was adopted be made a special order for Tuesday, February 9, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Estudillo, Finn, Hare, Hartman, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was temporarily passed on file, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of

the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Senate Bill No. 58 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL OF BILL.

Senator Thompson asked for and was granted unanimous consent to withdraw Senate Bill No. 151.

Senate Bill No. 151—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.

Senate Bill No. 151 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 343 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney,

Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 450—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Miller as a special committee of one, to amend as follows:

By striking out of the title, the words "as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof", and inserting in lieu thereof the following: "of California".

Also:

On page 3, line 62, strike out the word "six", and insert in lieu thereof the word "nine".

Also:

On page 4, line 96, strike out the words "to go out of his own county".

Also:

On page 4, line 98, strike out the words "outside of his own county".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 450, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 526—An Act to amend Section 221½ of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 526 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of

Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Read third time.

On motion of Senator Cutten, Senate Bill No. 513 was temporarily passed on file, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller as a special committee of one, to amend as follows:

By striking out of Section 12, line 16, page 6, the period after the word "city", and inserting in lieu thereof the following: "; and shall be equally divided between the tax collector and assessor of the county, to be by them retained as full compensation for all services required to be rendered by such county officials under the provisions of this Act; and the auditor of the county shall draw his warrant on the county treasurer in favor of the said county officers entitled thereto, and the treasurer of the county shall pay the same."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 103, with instructions to amend, respectfully report the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Senate Bill No. 261 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Senate Bill No. 262 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

On motion of Senator Wolfe, Senate Bill No. 34 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway highways for team, electric motor, and other train service.

Senate Constitutional Amendment No. 26 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts,

and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes." approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Kennedy moved to refer to Senator Wolfe as a special committee of one, to amend as follows:

By striking out of Section 4, of the printed bill, all of lines 7 and 8.

Also:

Strike out figure "3", line 9, Sec. 4, page 2, of the printed bill, and insert "2".

Also:

Strike out the figure "4", line 11, Sec. 4, page 2, of the printed bill, and insert "3".

Also:

In Section 4, page 2, line 5, after the word "first", insert the words "and second".

Also:

By striking out of Sec. 4, page 2, line 5, of the printed bill, the words "one hundred", and inserting in lieu thereof the following: "fifty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 192, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Walker asked for and was granted unanimous consent to withdraw Senate Bill No. 30—An Act to add a new section to the Penal Code, to be known as section three hundred and thirty-seven *a* thereof, and relating to gambling by pool selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

Senate Bill No. 30 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Read third time.

On motion of Senator Wright, Senate Bill No. 232 was temporarily passed on file, to retain its place.

Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment

of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Price moved to refer to Senator Wright as a special committee of one, to amend as follows:

By striking out of Section 6, all of lines 9, 10, and 11.

Also:

On page 3, Sec. 9, line 1, strike out the letter "s", on end of word "estates", and on line 4, same section, strike out word "their", and insert in lieu thereof the word "his".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 12, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Read third time.

The question being on the passage of the bill.

The role was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 623—An Act to amend Section 607e of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

Read third time.

The question being on the passage of the bill.

The role was called, and Senate Bill No. 623 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended,

approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 7 and Section 10b of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 512 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 587—An Act to amend an Act entitled “An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act,” approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same, and be restored to their former rights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Senate Bill No. 667 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Senate Bill No. 636 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants and providing a penalty for the violation thereof.

Read third time.

On motion of Senator Hartman, Senate Bill No. 118 was temporarily passed on file, to retain its place.

Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 56 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—27.

NOES—Senator Anthony—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 655 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Senate Bill No. 635 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 734—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other states or foreign countries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At two o'clock and fifty-eight minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 9, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Rev. Father Thomas Lantry O'Neill.

READING OF JOURNAL.

During the reading of the Journal of Monday, February 8, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence for this day.

SPECIAL ORDER POSTPONED.

Senator Leavitt moved that the special order heretofore set for Tuesday, February 9, 1909, immediately after the reading of the Journal, the same being the consideration of the motion to reconsider the vote by which Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor—was passed, be postponed until Wednesday, February 10, 1909, immediately after the reading of the Journal.

Motion carried.

SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves—was adopted, the same was taken up for consideration.

Senator Caminetti moved that the vote whereby Senate Joint Resolution No. 15 was adopted be now reconsidered.

The motion was duly seconded.

The question being upon the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Caminetti, Campbell, Hare, Kennedy, and Sanford—5.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—27.

Senate Joint Resolution No. 15 ordered engrossed, and transmitted to the Assembly.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

The vote whereby Senate Bill No. 552 was passed having been reconsidered on previous day.

The question being upon the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Campbell, Estudillo, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Strobbridge, Thompson, Willis, and Wright—21.

NOES—Senators Boynton, Birdsall, Caminetti, Curtin, Cutten, Finn, Hare, Hartman, Kennedy, Leavitt, Price, Reily, Sanford, Walker, and Weed—15.

Title read and approved.

Bill ordered transmitted to the Assembly.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By Senator Thompson:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

Henry Kingman, D. H. Colcord, M. E. Churchill, Dr. R. P. Myers, J. L. Mudgett, and others.

Also:

By Senator Wright:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

B. N. Tozer, H. M. Wade, W. G. Robinson, Frank Hall, Thomas Herst, and others.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wright, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Leroy A. Wright.

Also:

On request of Senator Boynton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Charles W. Slack of San Francisco.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 445—An Act regulating the hours of employment in underground mines and in smelting and reduction works.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 445 read first time, and referred to Committee on Labor, Capital, and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 533 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Also: Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 162 read first time, and referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 574 read first time, and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—

Resolved by the Senate, the Assembly concurring. That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H.

McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 346?"

Amend by striking out of Section 1, line 3, of printed bill, the words "to be available January 1, 1910," and inserting in lieu thereof the following: "one hundred thousand dollars of which will be available immediately, and the remaining three hundred thousand dollars of which shall be available January 1, 1910."

The roll was called, and the above Assembly amendment to Senate Bill No. 346 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Senate Bill No. 346 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Senate Bill No. 647—An Act to amend sections three thousand six hundred twenty-seven, three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

Senate Bill No. 164—An Act appropriating money for the building and furnishing of two cottages at the Preston School of Industry.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills No. 21, 647, and 164 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 75—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Also: Senate Bill No. 120—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Also: Senate Bill No. 500—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

LEAVITT, Chairman.

Senate Bills Nos. 75, 120 and 500 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Leavitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 75—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Senate Bill No. 75 withdrawn, and ordered stricken from the file.

Also:

Senator Leavitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 120—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Senate Bill No. 120 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 588 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 711—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Also: Senate Bill No. 320—An Act providing for a biennial appropriation for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No. 321—An Act to amend Section 8 of the Act creating a State Bureau of Criminal Identification, approved March 20, 1905.

Also: Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the State library fund.

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 711, 320, 321, 581, and 712 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Also: Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Also: Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Also: Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 47, 176, 611, and 731 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred the following resolution:

WHEREAS, The cost of living in California has for many years gradually and steadily increased, until the payment of the actual necessities of life has become a burden and just cause for complaint; and

WHEREAS, The anti-trust law passed at the thirty-seventh session of the Legislature of the State of California has not been productive of any appreciable results so far as a reduction in the cost of living is concerned; and

WHEREAS, Under existing conditions it is claimed that the producer is not receiving a fair return for the products of the soil, and that the consumer is paying a price for the products consumed that is unjust and burdensome, many instances of which condition have been called to the attention of this Senate, two illustrations of which will suffice; namely, that the raisin producers of Fresno were receiving a cent and a half per pound for raisins at the point of production, while the consumers in San Francisco paid fifteen cents per pound for raisins; and the difference in price between what is paid to fishermen for their catch of fish and the price charged to consumers; and

WHEREAS, It appears in many parts of the State that the difference between the first cost of production and the price to the consumer is unjust and unwarranted, and it is charged that a combination exists in violation of law to maintain these high and unwarranted prices; now, therefore, be it

Resolved, That a special committee of three Senators be appointed by the President of the Senate to investigate the conditions which permit such inequalities in the cost of production and the price of products to the consumer, and recommend to the Legislature at its next session such statutes as may ameliorate the present conditions; and be it further

Resolved, That the said committee shall have the power to subpoena witnesses and send for persons and papers, and issue subpoenas where necessary; and be it further

Resolved, That there is hereby set aside from the contingent fund of the Senate, for the purpose of defraying the necessary traveling and contingent expenses of the said committee, the sum of five thousand (\$5,000.00) dollars—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

LEAVITT, Chairman.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above report and resolution be made a special order for Thursday, February 11, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00 payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by Press Mailing Clerks.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

RUSH, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution. The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

Also: Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Also: Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Also: Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 33, 34, and 42 ordered on file for second reading.

RE-REFERENCE OF BILL TO COMMITTEE.

Senator Willis moved that Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children—be re-referred to Committee on Judiciary.

Motion carried.

Assembly Bill No. 8 ordered re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Also: Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for payment of interest received in the state school fund.

Also: Assembly Bill No. 125—An Act transferring the sum of \$80,000 from the general fund to the estates of deceased persons fund.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 11, 124, and 125 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February, 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Also: Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also Senate Bill No. 565—An Act fixing, establishing and defining, the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 703, 704, 659, 564, 565, 799, and 800 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 839—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 819, 838, and 839 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

WELCH, Chairman.

Senate Bill No. 501 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 116—An Act amending Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907—have had the same under consideration, and respectfully report the same back, with the recommendation that it be withdrawn.

WELCH, Chairman.

Senate Bill No. 116 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Birdsell asked for and was granted unanimous consent to withdraw Senate Bill No. 116—An Act amending Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907.

Senate Bill No. 116 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 476—An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I, of the Political Code of California by adding a new section to said Article I to be numbered 344, relating to Fish and Game Commissions.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WELCH, Chairman.

Senate Bills Nos. 476, 477, 677, and 804 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 44—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto—have had the same under consideration, and respectfully report a substitute for same, with the recommendation that said substitute do pass.

WELCH, Chairman.

Senate Bill No. 44 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 64—An Act to amend Section 626f of the Penal Code, relating to the protection of deer.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628c, to prevent the catching of surf fish, yellow fin or spot fin croaker, and providing penalties therefor.

Also: Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WELCH, Chairman.

Senate Bills Nos. 64, 137, and 478 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 557—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations." approved March 13, 1883—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 557 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Sanford asked for, and was granted, unanimous consent to withdraw Senate Bill No. 557—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 557 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

SAVAGE, Chairman.

Senate Bill No. 798 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901—have had the same under consideration, and respectfully report the same back, with committee substitute, and with the recommendation that the substitute do pass.

SAVAGE, Chairman.

Senate Bill No. 558 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 6—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 6 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III, of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons—have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 330 ordered on file for second reading.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Curtin: Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.

Bill read first time, and referred to Committee on Education.

By Senator Thompson: Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the re-sale thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 966—An Act to amend the Penal Code of California by adding a new section thereto, to be known and numbered as Section 308*a*, relating to the protection of children of the public schools.

Bill read first time, and referred to Committee on Education.

By Senator Miller: Senate Bill No. 967—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Bill read first time, and referred to Committee on Fish and Game.

By Senator Bell: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Bill read first time, and referred to Committee on Judiciary.

By Senator Kennedy: Senate Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 401*b*, relating to cubic air in places of amusement.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Lewis: Senate Bill No. 972—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Sanford: Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 974—An Act to provide for the purchase of portraits of former Governor George C. Pardee and Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Constitutional Amendment No. 39.—Proposed amendment to add a new section to Article XIII of the Constitution, to be numbered Section 14, relative to taxation.

Senate constitutional amendment referred to Committee on Revenue and Taxation.

By Senator Holohan: Senate Bill No. 975—An Act to amend section twenty-six hundred and forty-three of the Political Code, relating to duties of supervisors respecting roads.

Bill read first time, and referred to Committee on County Government.

By Senator Bills: Senate Bill No. 976—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such Acts to be public nuisances, and providing for the abatement of such nuisances.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Bill read first time, and referred to Committee on Finance.

By Senator Cutten: Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the board of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 980—An Act to amend Sections 653*c*, 653*d*, and 6531 of the Civil Code of the State of California, all relating to coöperative business associations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 981—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 191½, providing for the completion of sidewalk in any block where a portion of the same has been constructed.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 205—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 205 was ordered re-referred to Committee on Judiciary.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board of Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Senate Bill No. 58 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Birdsall as a special committee of one, to amend as follows:

On page 1, Section 1, line 9, of printed bill, strike out the word "one," and insert in lieu thereof the word "two".

Also:

On page 1, Section 1, line 12, of printed bill, insert after the word "corporation" the following words: "And before he issues any certificate of incorporation, or certificate of authority to transact business in this State, to any corporation, authorized in its articles of incorporation to engage in the business of banking, or of receiving the money of others on deposit, there must in like manner be filed the affidavit provided herein that at least twenty-five thousand dollars of the capital stock has actually been subscribed, and paid in to a person named in such affidavit, for the benefit of the corporation."

And:

Amend title by striking out the period and insert the words: "(Or to engage in the business of banking.)"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 513, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,' " approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

Senate Bill No. 261 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Senate Bill No. 262 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the

practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Senate Bill No. 34 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Senate Bill No. 232 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Read third time.

On motion of Senator Boynton, Senate Bill No. 667 was temporarily passed on file, to retain its place.

Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 636 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Thompson, Walker, Weed, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants, and providing a penalty for the violation thereof.

On motion of Senator McCartney, Senate Bill No. 118 was temporarily passed on file, to retain its place.

Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 635 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Walker, Wood, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An Act to amend Section 1213 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Martinelli, as a special committee of one, to amend as follows:

On page 4, after word "sent", in line 123, insert the following: "and all expenses actually incurred in the pursuit within the county of missing persons or criminals charged with felony."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 684, with instructions to amend, respectfully reports the same bill, amended as per instructions.

MARTINELLI, Chairman.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Anthony, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Sanford, Savage, Thompson, Walker, Wood, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees and mileage of officers and jurors in counties of the eleventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 495 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt,

Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Thompson, Walker, and Wright—28.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Martinelli, as a special committee of one, to amend as follows:

On page 2, line 17, after the word "annum", insert the following: "which shall be in full for all services as tax collector and license collector." On page 2, line 24, strike out the words "eight hundred", and insert in lieu thereof the words, "one thousand".

Also:

On page 2, line 26, after the word "county", insert the following: "He shall also be allowed five dollars per day for acting as secretary of the board of education for each day said board is in session."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 514, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weed moved to refer Senate Bill No. 648 to Senator Miller, as a special committee of one, to amend as follows:

By striking out of Section 1 all of lines 7, 8, 9, 10, and 11 of printed bill, and inserting in lieu thereof the following: "1. The county clerk three thousand five hundred dollars per annum".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 648, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Cutten, as a special committee of one, to amend as follows:

By striking out of Section 1, line 34, the word "one", and inserting in lieu thereof the following: "two".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 729, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Sanford, Thompson, Walker, Weed, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien, and declaring any violation of the provisions thereof to be a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and man-

agement of the same, and to make an appropriation therefor." approved March 11, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Barnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Thompson, Walker, Weed, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 752 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Sanford, Savage, Thompson, Walker, Weed, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

On motion of Senator Welch, Senate Bill No. 226 was temporarily passed on file, to retain its place.

Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Kennedy moved to refer to Senator Welch as a special committee of one, to amend as follows:

Inserting the following after the enacting clause: "Section 1. Section 1 of an Act authorizing the Judges of the Superior Court in all counties, and cities and coun-

ties, having a population of two hundred thousand inhabitants and over, to appoint a secretary, approved March 26, 1895, is hereby amended to read as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 212, with instructions to amend, respectfully report the same back, amended as per instructions.

WELCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 634 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Finn, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reilly, Roscherry, Rush, Savage, Thompson, Walker, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty five *a*, validating defectively recorded instruments, and providing for the impact of notice by the same to subsequent purchasers or encumbrancers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roscherry, Rush, Sanford, Savage, Thompson, Walker, and Wright—26.

NOES—Senator Willis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 696—An Act to amend Section 1570 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roscherry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code

of the State of California, relating to service of summons on corporations in criminal proceedings.

Senate Bill No. 698 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exception.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutton, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

On motion of Senator Miller, Senate Bill No. 353 was temporarily passed on file, to retain its place.

Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the county board of education.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Miller as a special committee of one, to amend as follows:

On page 1, Section 1, strike out all of number five, lines 13, 14, and 15.

Also:

On page 3, Section 1, strike out all of number five, lines 84 to 101, both inclusive.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 354, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 328—An Act to provide for work upon and construction of sidewalks within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Weed, and Willis—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutton, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Read third time.

On motion of Senator Sanford, Senate Bill No. 559 was temporarily passed on file, to retain its place.

Senate Bill No. 143—An Act providing for an appropriation of

\$1,800.00 for the purchase of a cylinder printing press for Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cutten, Holahan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An Act providing for an appropriation of \$3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Caminetti, Campbell, Cutten, Cutten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reilly, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 145—An Act providing for an appropriation of \$1,000.00 for the purchase of books and periodicals for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 145 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Cutten, Holahan, Leavitt, Lewis, Martinelli, Reilly, Roseberry, Rush, Sanford, Stetson, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An Act providing for an appropriation of \$3,500.00 for repairs on the main building of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Cutten, Holahan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reilly, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 147—An Act providing for an appropriation of \$5,000 for the erection of a manual training building on the grounds of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 147 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR EXTENDED.

On request of Senator Strobbridge, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. W. H. Donahue.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 149—An Act providing for an appropriation of \$2,500.00 for the purchase of a boiler for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Campbell, Cutten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural

Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced out of order:

By Senator Anthony: Senate Bill No. 984—An Act establishing the indeterminate sentence for persons convicted of crime, regulating the disciplinary management of the State prisons in conformity with the purpose of such sentences, and providing for the parole of prisoners, and for the government of paroled prisoners.

Bill read first time, and referred to Committee on Prisons and Reformatories.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February, 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WILLIS, Chairman.

Senate Bill No. 765 ordered on file for second reading.

RECESS.

At twelve o'clock and twenty-eight minutes P. M., on motion of Senator Wright, the acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—SECOND READING OF SENATE BILLS.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an

appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 482—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

During second reading of bill, the following amendments were submitted by committee:

On page 1, section 1, line 12, of the printed bill, strike out the figures "25,000", and insert in lieu thereof the figures "20,000".

Amendment adopted.

Also:

On page 1, section 1, line 14, of the printed bill, strike out the figures "15,000", and insert in lieu thereof the figures "10,000".

Amendment adopted.

Also:

On page 2, section 1, line 24, of the printed bill, strike out the figure "2", and insert in lieu thereof the word "two."

Amendment adopted.

Also:

On page 2, section 1, strike out all of line 28, of the printed bill, and insert in lieu thereof the following: "which shall be enlarged or created from territory taken from".

Amendment adopted.

Also:

On page 2, section 1, line 31, of the printed bill, after the word "from" where it first occurs in said line strike out the following "which such county or counties from".

Amendment adopted.

Also:

On page 3, section 2, of the printed bill, strike out all of line 25, and insert in lieu thereof "by at least sixty-five per cent of the qualified electors residing."

Amendment adopted.

Also:

On page 6, section 2, line 145, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "twenty".

Amendment adopted.

Also:

On page 6, section 2, line 147, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

On page 7, section 2, line 176, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

On page 7, section 3, line 6, of the printed bill, strike out the figures "25,000", and insert in lieu thereof the figures "20,000".

Amendment adopted.

Also:

On page 7, section 3, line 8, of the printed bill, strike out the figures "15,000", and insert in lieu thereof the figures "10,000".

Amendment adopted.

Also:

On page 8, section 3, line 18, of the printed bill, strike out the word "containing", and insert in lieu thereof the word "contain".

Amendment adopted.

Also:

On page 8, section 3, line 22, of the printed bill, strike out the word "by".

Amendment adopted.

Also:

On page 9, section 3, line 76, of the printed bill, strike out the following: "of the petition for the organization".

Amendment adopted.

Also:

On page 9, section 3, line 77, of the printed bill, after the word "county" where it first occurs in said line, insert the following: "as established by the board of supervisors".

Amendment adopted.

Also:

On page 12, section 4, line 18, of the printed bill, strike out the words "described in the petition", and insert in lieu thereof the following "established by the board of supervisors".

Amendment adopted.

Also:

On page 13, section 4, lines 55, 56, and 57, strike out the words "territory described in the petition for the organization of such new county", and insert in lieu thereof the following: "territorial limits of the proposed new county as established by the board of supervisors".

Amendment adopted.

Also:

On page 13, section 4, line 63, of the printed bill, strike out the word "the" at the beginning of said line, and insert in lieu thereof the words "no further".

Amendment adopted.

Also:

On page 13, section 4, line 63, of the printed bill, after the word "said", insert the words "proposed new".

Amendment adopted.

Also:

On page 13, section 4, line 63, of the printed bill, strike out the word "or", and insert in lieu thereof the word "nor".

Amendment adopted.

Also:

On page 13, section 4, line 64, of the printed bill, strike out the words "said county", and insert in lieu thereof the following: "any county any portion of which was included within said proposed new county".

Amendment adopted.

Also:

On page 2, Section 2, line 1 of the printed bill, insert before the word "Section," the words "Sec. 2."

Amendment adopted.

Also:

On page 2, Section 2, line 1 of the printed bill, strike out the figure "2" and insert in lieu thereof the word "two."

Amendment adopted.

Also:

On page 2, Section 2, line 2 of the printed bill, strike out the word "Section" and insert in lieu thereof the word "Sec."

Amendment adopted.

Also:

On page 7, Section 3, line 1 of the printed bill, insert before the word "Section," the words "Sec. 3."

Amendment adopted.

Also:

On page 7, Section 3, line 3, strike out the word "Section" and insert in lieu thereof the word "Sec."

Amendment adopted.

Also:

On page 12, Section 4, line 1 of the printed bill, before the word "Section" insert the following: "Sec. 4."

Amendment adopted.

Also:

On page 12, Section 4, line 1 of the printed bill, strike out the figure "4" and insert in lieu thereof the word "four."

Amendment adopted.

And:

On page 12, Section 4, line 2 of the printed bill, strike out the word "Section," and insert in lieu thereof the word "Sec."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation" approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 600.

An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State; providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state board of prison directors are authorized and empowered to adopt rules and regulations for the sale of jute goods, but such rules and regulations, before they become effective, shall be approved by a majority of the state board of examiners. The state board of prison directors shall annually, in the month of December of each year, fix the price, for the sale of jute bags and give public notice of the same, for at least ten days in at least four newspapers of general circulation printed and published as follows, to wit: One in the city and county of San Francisco, one in the San Joaquin valley, one in the Salinas valley and one in the Sacramento valley. Until the 1st day of April of each year, jute bags shall be sold only to consumers thereof, but after said date, if a surplus of said jute bags remains unsold, they may be sold to any one in such quantities and at such prices as the board of directors in their discretion may deem proper.

SEC. 2. All orders for jute bags filed with the board of prison directors prior to the first day of April of each year, shall be accompanied by an affidavit setting forth the name, residence, post office address and occupation of the applicant; that the amount of goods contained in the order are for the applicant's individual and personal use, and that he has not contracted for, nor agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit shall be subscribed and sworn to before a notary public, justice of the peace, or other officer authorized to administer oaths.

SEC. 3. Any person who shall falsely or fraudulently make such affidavit, or who shall falsely or fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than two hundred dollars (\$200.00).

SEC. 4. The board of prison directors shall keep at the San Quentin prison a book for public inspection, in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his postoffice address, his occupation, number of jute bags or jute goods purchased by him, and the price paid by him therefor, and the date and sale and the place to which shipment is made.

SEC. 5. An act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution and punishment for offenses under the same," approved March 22, 1907, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

During second reading of bill, the following amendments were submitted by committee:

Insert, after the enacting clause, the following:

"SECTION 1. Section six hundred and two of the Penal Code is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, of printed bill, strike out the word "Section".

Amendment adopted.

Also:

On page 2, line 36, of printed bill, strike out the word "it".

Amendment adopted.

Also:

On page 2, line 41, of printed bill, strike out the word "enclosure", and insert in lieu thereof the word "inclosure".

Amendment adopted.

Also:

On page 2, line 43, of printed bill, strike out the word "enclosure" where it appears first, and insert in lieu thereof the word "inclosure".

Amendment adopted.

Also:

On page 2, line 43, of printed bill, strike out the word "enclosure" where it appears the second time, and insert in lieu thereof the word "inclosure".

Amendment adopted.

Also:

On page 2, line 47, of printed bill, strike out the word "enclosure", and insert in lieu thereof the word "inclosure".

Amendment adopted.

And:

On page 2, of printed bill, strike out lines 49, 50, 51, and 52, and insert in lieu thereof the words "Is guilty of a misdemeanor".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 1, line 4, strike out the parentheses and figure 1.

Amendment adopted.

Also:

On page 1, line 5, strike out the parentheses and figure 2.

Amendment adopted.

Also:

On page 1, line 8, insert a comma after the word "death".

Amendment adopted.

And:

On page 1, line 11, strike out the comma after the word "testator".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not

entitled to record upon the books of county recorders, and prescribe a penalty therefor.

On motion of Senator Caminetti, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 100—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 218—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

During second reading of bill, the following amendment was submitted by committee:

After the word "of", at end of line 4, Sec. 264, strike out all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "Sexual intercourse is with the consent of the female over the age of fourteen and under the age of sixteen years, if procurable by imprisonment in the State prison not exceeding five years; and in such cases, the information or indictment upon which a person charged with rape shall state the age, and the jury shall find the age of such female."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 18, strike out the word "pursuant".

Amendment adopted.

Also:

On page 2, Section 1, lines 18, 19, 20, strike out the words "provisions of this or the preceding section, after having served one calendar year of the term for which he has been, or shall have been, sentenced", and insert in lieu thereof the following: "State prison".

Amendment adopted.

Also:

On page 2, Section 1, line 23, strike out the words "imprisoned in the State prison".

Amendment adopted.

And:

On page 2, Section 1, line 22, insert at the end of line 22, of printed bill, the words: "first term."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a.* relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 15, strike out the word "to", at the beginning of the line.

Amendment adopted.

Also:

On page 2, Section 1, line 19, strike out the parenthetical marks.

Amendment adopted.

Also:

On page 2, Section 1, lines 23 to 33 inclusive, strike out all of Section 1 beginning with the words "the testimony", and insert in lieu thereof the following: "The testimony pursuant to the provisions of this section shall be reported and transcribed by the clerk or official reporter. Within thirty days after judgment has been pronounced by the court, one copy of such transcript shall be filed with the clerk of the court, and another copy thereof shall be sent by mail, with postage prepaid, addressed to the warden of the prison to which such convicted person shall have been sentenced."

Amendment adopted.

And:

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 3, strike out the quotation marks before word "Section".

Amendment adopted.

Also:

On page 2, Section 1, line 13, strike out the quotation marks before word "Section", also strike out quotation marks after word "improvement", in line 33, same page and section.

Amendment adopted.

Also:

On page 3, Section 2, line 25, strike out the quotation marks after word "crossings".

Amendment adopted.

Also:

On page 3, Section 3, line 3, strike out the quotation marks before word "Section."

Amendment adopted.

And:

Strike out quotation marks after word "fund", line 16, same section.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, line 6, strike out the words "the trustees", and insert in lieu thereof the following: "a trustee to be".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, of the title, strike out the words after the word "nine", and insert in lieu thereof the following: "and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts."

Amendment adopted.

Also:

On pages 1 and 2, Section 109, line 3, strike out the words after the figures "409", and insert in lieu thereof the following:

All reports and other publications of State officers, commissions, and departments, and the laws, resolutions and journals of the Legislature, shall be delivered by the State Printer to the Secretary of State, except that ten per cent of the whole number of reports or other publications shall be delivered to the officer, commission, or department issuing them. The secretary shall immediately distribute the same as follows:

1. To the library of Congress, three copies.
2. To the State library or other library or department in each State, authorized to receive them, two copies.
3. To the librarians of the University of California and the Leland Stanford Junior University, two copies each.
4. To each member of Congress from California, to each of the United States District Judges in this State, to each of the Judges of the Supreme Court, the District Courts of Appeal, and the Superior Courts of this State, one copy.
5. To the chief of each administrative department of the State government, and to each of his deputies, one copy.
6. To the Lieutenant-Governor, each member of the Legislature, the Secretary of the Senate and the Clerk of the Assembly, one copy each.
7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary, or art institution in this State, which may apply to be put on the mailing list for all or a portion of the State publications, one copy.
8. To the State Library, fifty copies, or so many more as the State Librarian may require for exchange purposes.
9. Of the laws alone, to the county clerk of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the direction of the clerk, one copy for the board of supervisors, one copy to each county officer and each justice

of the peace and police judge; and of the journals, three copies of each house to each county clerk for the use of the county.

b. All copies left on hand after distribution as above shall be sent to any person applying therefor, except those publications required by law to be sold; and *provided* that no person shall be entitled to more than one copy of each publication.

Section 2. Section four hundred and ten of the Political Code of California is hereby amended so as to read as follows:

410. He must distribute of the bound volumes of the decisions of the Supreme Court, and of the District Courts of Appeal, as soon as he receives them:

1. To each State, two copies.

2. To the library of Congress, the Supreme Court library, and the District Courts of Appeal libraries, two copies each.

3. To each department of this State, and to each of the United States District Judges of this State, Supreme, District Court of Appeal and Superior Judges of this State, and to judges of the police courts of San Francisco, Los Angeles, and Oakland, one copy.

4. To each district attorney and county clerk, one copy.

5. To the reporter of the decisions, ten copies.

6. To the State Library, ten copies.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 6, line 7, of the printed bill, after the word "written", insert the following: "and said policies may be canceled by either party thereon, in which case settlement or adjustment shall be made in accordance with the terms of the by-laws of the association".

Amendment adopted.

And:

Add to Section 7, after the word "insured", the following: "No such association shall issue policies of insurance on any property within the limits of cities of the first, first and a half, second, third, and fourth classes, *provided* that no dwelling shall be insured within the corporate limits of any city or town, except by any other building within one hundred feet or by any risk other than a dwelling or private barn within two hundred feet of the risk assured.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor

Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Bill read second time, ordered engrossed, and on file for third reading.

LEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR

At two o'clock and twelve minutes p. m., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

On motion of Senator McArthur, Assembly Bill No. 140 was temporarily passed on file, to retain its place.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys.

On motion of Senator Savage, Assembly Bill No. 161 was temporarily passed on file, to retain its place.

Assembly Bill No. 232—An Act to amend Section 2457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants and the commencement of actions thereon.

On motion of Senator Boynton, Assembly Bill No. 232 was temporarily passed on file, to retain its place.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Hurd, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 172—An Act to allow online-incorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 172 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney,

Price, Reilly, Rush, Savage, Strobbridge, Thompson, Walker, Welch, Willis, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,'" to provide ways and means for building, furnishing, and repairing schoolhouses in said city and for other purposes, approved March 16, 1874.

Read third time.

On motion of Senator Birdsall, Assembly Bill No. 314 was temporarily passed on file, to retain its place.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

On motion of Senator Birdsall, Assembly Bill No. 316 was temporarily passed on file, to retain its place.

THIRD READING OF SENATE BILLS.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

On motion of Senator Boynton, Senate Bill No. 652 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

On motion of Senator Boynton, Senate Bill No. 653 was temporarily passed on file, to retain its place.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

On motion of Senator Boynton, Senate Bill No. 654 was temporarily passed on file, to retain its place.

Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

Senate Bill No. 649 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article 13 of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and

to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.

On motion of Senator Curtin, Senate Constitutional Amendment No. 11 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties.

On motion of Senator Curtin, Senate Constitutional Amendment No. 3 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

Senate Bill No. 507 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cullen, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cullen, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator George T. Rolley.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

On motion of Senator Welch, Senate Bill No. 590 was ordered referred to Committee on Finance.

Senate Bill No. 647—An Act to amend Section 3627, 3680, 3692,

3839, 3843, 3845, and 3854 of the Political Code relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time.

On motion of Senator Curtin, Senate Bill No. 617 was temporarily passed on file, to retain its place.

Senate Bill No. 618—An Act appropriating money for the building and furnishing of four cottages at the Preston school, of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 618 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Seaton, Strobbridge, Thompson, Walker, Welch, Willis, and Wright—31.

NAWS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehnner against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Seaton, Strobbridge, Thompson, Walker, Willis, and Wright—30.

NAWS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKimley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 510 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Welch, Willis, and Wright—31.

NAWS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION NO. 2.

Relative to purchase by Federal Government of Henry ranch, at Atascadero, California, for military camps, maneuvers, and rifle ranges for regular troops and National Guard.

WHEREAS, The State of California is lacking in a public site suitable for extensive military encampments, military maneuvers, and modern long range rifle practice; for the National Guard; and

WHEREAS, It is necessary that such a permanent public site be obtained and dedicated to training and drilling the National Guard of California in cooperation with troops of the United States army in military encampment, military maneuvers, and modern long range rifle practice; and

WHEREAS, That tract of land, known as the Henry ranch (comprising about 22,000 acres, and situate at Atascadero, county of San Luis Obispo, State of California, 200 miles south from the city of San Francisco, and readily accessible from all parts of the State) contains (1) locations suitable for modern rifle ranges, (2) extensive diversified areas adapted for war maneuvers, (3) an excellent drill ground comprising several hundred acres, which is surrounded by four capacious and elevated camping grounds; and

WHEREAS, Said ranch is well provided with wood, water, drainage; and with favorable conditions of climate and sanitation; and

WHEREAS, Said ranch fulfills all the requirements for military encampments, maneuvers and rifle ranges; therefore, be it

Resolved, by the Senate and Assembly jointly, That the United States Senators from the State of California be instructed, and the Representatives in Congress from the State of California be requested, to use all honorable endeavors to have the Congress of the United States make provision to purchase said Henry ranch for the military purposes indicated herein; and be it further

Resolved, That copies of this resolution be forwarded forthwith by the Secretary of the Senate to each United States Senator, and each Representative in Congress, from the State of California.

Senate joint resolution read.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roscherry, Sanford, Savage, Strobridge, Thompson, Walker, Welch, Willis, and Wright—28.

NOES—None.

Senate Joint Resolution No. 2 ordered engrossed and transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. Dr. Levy of San Francisco.

THIRD READING OF SENATE BILLS—(RESUMED).

Senator Curtin moved that Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California—be taken up for the purpose of amendment.

Motion carried.

During the reading of Senate Constitutional Amendment No. 11, the following amendments were offered:

By Senator Curtin:

By striking out of Section 1, line 21, page 2, the words "be exempt from taxation", and inserting in lieu thereof the following: "not be considered property subject to taxation".

Amendment adopted.

And:

Amend by striking out of Section 2, pages 2 and 3, of the bill, all matter con-

tained in lines 31 to 55 both inclusive, and adding a period after the word "revealed", in line 30.

Amendment adopted.

Senate Constitutional Amendment No. 11 ordered to print and engrossment.

Senator Curtin moved that Senate Bill No. 647 be taken up for the the purpose of amendment.

Motion carried.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Strobbridge as a special committee of one to amend, as follows:

By striking out all of Section 1, and renumbering sections 2, 3, 4, 5, 6, 7, and 8.

And:

Strike out of title, in line 1, the words: "three thousand six hundred twenty seven".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 647, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization, and their powers and duties.

On motion of Senator Curtin, Senate Constitutional Amendment No. 3 was temporarily passed on file, to retain its place.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Senator Wright, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 10, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holo-

han, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Rev. M. S. Levy.

READING OF JOURNAL.

During the reading of the Journal of Tuesday, February 9, 1909, the further reading was dispensed with, on motion of Senator Willis.

LEAVES OF ABSENCE.

Senator Wolfe was, on motion of Senator Wright, granted leave of absence for this day.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By Senator Black:

MENLO PARK, CAL., February 9, 1909.

To the Honorable Senators of the Commonwealth of California, in Legislature assembled at Sacramento.

GENTLEMEN: We, the undersigned citizens of Menlo Park, San Mateo County, California, do hereby respectfully petition you for the passage of the Senate bill presented by Senator Marshall Black, prohibiting the sale of intoxicating liquors within one and one half miles of the property of the Leland Stanford Junior University.

Carrie Root Moodie, Fanny Heltzel, Amelia Taylor, Mrs. S. E. Slade, Chas. Ehrlich, and others.

Also:

By the President:

LOS ANGELES, CAL., February 9, 1909.

To the Honorable Legislature of the State of California.

GENTLEMEN: The Voters' League of Los Angeles hereby respectfully petitions the honorable Legislature of California to submit to the electors of this State an amendment to Article XI, Section 9, of the Constitution of California, providing that when a city charter, or amendment thereto, is ratified by the Legislature, any increase of salary provided for therein shall take effect from the time specified in said charter or amendment; or, in case no time is specified, it shall take effect from the time of its ratification by the Legislature.

Yours respectfully,

J. H. LAPHAM, First Vice-President.
J. B. IRVINE, Secretary.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the special order heretofore set for Wednesday, February 10, 1909, immediately after the reading of the Journal, the same being the consideration of the motion to reconsider the vote by which Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor—was passed, be postponed until Thursday, February 11, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 146—An Act to amend Section 18 of an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, by extending the time to commence actions thereunder until July 1, 1911.

Also: Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the leprophus amabilis tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Also: Assembly Bill No. 294—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Also: Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Also: Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 146, 174, 175, 294, 226, and 428 read first time.

Assembly Bill No. 146 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 174 and 175 ordered referred to Committee on Agriculture and Dairying.

Assembly Bill No. 294 ordered referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 226 ordered referred to the San Francisco Delegation.

Assembly Bill No. 428 ordered referred to Committee on Commerce and Navigation.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Enrossment and Enrollment have examined the following Senate bills, etc.:

Senate Joint Resolution No. 15—Relating to changing of old names of the United States forest reserves.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex officio officers of cities.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned

children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Joint Resolution No. 15 ordered transmitted to the Assembly.

Senate Bills Nos. 450, 103, 192, and 12 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 573—An Act to amend Section 161a of the Penal Code of the State of California, relating to falsely advertising as an attorney.

Also: Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural, viticultural and horticultural non-profit cooperative associations.

Also: Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act, to be known as sections twenty, twenty-one and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 573 and 604 read first time.

Assembly Bill No. 573 ordered referred to Committee on Judiciary.

Assembly Bill No. 604 ordered referred to Committee on Education.

Senate Bills Nos. 29, 46, 54, and 121 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 8—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 8 and 285 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 141—An Act to amend section thirty-six

accepted and executed of the President of said college, according to the relation of terms and words.

Also, Assembly Bill No. 228—At Act to amend Section 1543 of the Political Code, so as to provide for suspension school districts.

Also, Assembly Bill No. 235—At Act Amending Section 2290 of the Political Code, relating to the state library fund.

Also, Adopted Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the city of Grass Valley, adopted by the voters of said city at a special election held on the eighth day of October, A. D. 1908.

Also, Adopted Senate Concurrent Resolution No. 3—Approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California, voted for and ratified by the voters of said city of San Bernardino at a special election held therein for that purpose on the twenty-eighth day of December, 1908.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 141, 228, and 235 read first time.

Assembly Bill No. 141 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 228 and 235 ordered referred to Committee on Education.

Assembly Concurrent Resolution No. 4 ordered referred to Committee on Municipal Corporations.

Senate Concurrent Resolution No. 3 ordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Rush:

Resolved, That the Comptroller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate.

Resolution read and ordered referred to Committee on Contingent Expenses.

Also:

By Senator Anthony:

Whereas, The people of the State of California manifest an acute sensitiveness toward the subtle aggression of fifty thousand Japanese colonists, coolies, ex-soldiers and slaves in this State under present immigration laws; and

Whereas, The people of the State of California have been petitioning for the enactment by the United States Government of a national statute to exclude Japanese emigrants, alienists, laborers and natives from this State; being a matter for Federal legislation only; and the people of the State of California have been petitioning for the enactment by the California Legislature of a State law to segregate the Japanese school boys from American school boys in the public schools of this State, being a matter for State legislation only; and

Whereas, Hon. Geo. C. Perkins, United States Senator in Congress from the State of California, has expressed himself as being in favor of a United States national statute excluding Japanese immigration, and in favor of a California State law segregating Japanese from American children in the public schools of California; and

Whereas, Both said policies are vital to the welfare of the United States and of the State of California; and are just, lawful, constitutional, and within constitutional limits and limits of power, though deemed by Japanese to be such;

Whereas, On or about the fifth day of February, 1909, in connection with the foregoing matters it was reported in the public press that the President of the United States had transmitted the following telegram to the Governor of the State of California, and at the same time, did discuss the contents of said telegram to the public press, as follows:

—Governor J. N. GILBERT, Sacramento, Cal.

I am glad to send you my message again. He has been helping me in every possible way, and after consulting with him I wired Speaker Stanton a message which he can make public if advisable. Please see him. I am disgusted at Perkins' conduct. He has for the last seven years done whatever he could to hamper us in the building of the navy, and has acted against the real advocates of the navy. Yet now he advises a policy of wanton insult. I have nothing to advise at the present

moment, but I can not speak too highly in praise of the course you have followed. I suppose my telegram to the Speaker is the best way I can render assistance. Please wire me if there is anything I can do.

THEODORE ROOSEVELT.

And

WHEREAS, The upbuilding of the national navy through senatorial deliberation, for the last seven years, the vicissitudes of the real advocates of the national navy for the last seven years, have nothing to do with the present efforts in California to segregate school children or to exclude immigrants by the law of the land:

This injection of (1) questions regarding naval construction, (2) questions regarding personalities among naval advocates of seven years ago at Washington, D. C., into present anti-Japanese legislation at Sacramento, Cal., tend to (1) confuse the issues, (2) distract attention, (3) show that the perfervid presidential repression of California anti-Japanese legislation, together with the exaggerated innuendoes as to war with Japan, are for the purpose of inciting a mob cry for help and for the administration's naval policy:

The insertion in said telegram of this irrelevant diatribe against Senator Perkins, "I am astounded at Perkins' conduct. He has for the last seven years done whatever he could to hamper us in the upbuilding of the navy, and has acted against the real advocates of the navy. Yet now he advises a policy of wanton insult," was for the purpose of (1) discrediting and casting odium upon Senator Perkins throughout the State of California; and at the same time (2) destroying the affectionate sentiments of the California Legislature for Senator Perkins not only, but also any influence on anti-Japanese legislation which Senator Perkins might have with this California Legislature that recently reflected him, and (3) fomenting discord in the Republican party of the State of California; and

WHEREAS, On February 8, 1909, said United States Senator George C. Perkins presented the following historical facts in refutation of said presidential attack:

"In 1893 I became a member of the Senate Naval Affairs Committee. At that time we did not have a single battleship in commission and very few first class cruisers. To-day we have twenty-seven battleships in commission and five in course of construction, in addition to the first class cruisers, torpedo boats, and other modern vessels of war.

"The appropriation of 1893 was only \$23,000,000 for the support and building of the navy and everything else. The naval bill now pending in the Senate carries more than \$125,000,000.

"In 1893 we had but 15,000 sailors and marines. To-day we have about 45,000 sailors and marines.

"I have voted for every increase in the naval appropriation that has come up with the exception of the last proposal to build four battleships in one year, which I did not think expedient, believing it the part of wisdom and wise business policy to profit by our own experience and the mistakes in naval construction of other countries.

"As a verification of what I say I would refer to the Congressional Record, which records every vote for and against any pending measure"; and

WHEREAS, Senator Perkins has resided in California for fifty-five years, where for half a century he has been an honored merchant and, as an extensive employer of labor, absolutely fair; he has been President of the Chamber of Commerce of San Francisco; President of the Art Association of San Francisco, and of many public, promotion and patriotic institutions; and twice elected State Senator to this Honorable Senate of the State of California, once Governor of this State, and four times elected almost unanimously United States Senator from the State of California, he knows more about the conditions, needs and aspirations of California than any other person; therefore, be it

Resolved, That the Senate of the State of California expresses its unbounded faith in the discretion, intelligence, and patriotism of said Hon. George C. Perkins, United States Senator in Congress from the State of California; and that said presidential telegraphic strictures upon said Senator Perkins' conduct are irrelevant to any and all anti-Japanese legislation now pending at Sacramento, Cal.; and that due time has been observed in which said strictures could either be disavowed or withdrawn; and that said presidential strictures upon said United States Senator George C. Perkins are uncalled for, unjust, and untrue; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby, directed to forward forthwith to each United States Senator and Representative in Congress, from the State of California, copies of these resolutions.

Resolution read.

MOTION.

Senator Wright moved that the above resolution by Senator Anthony be referred to Committee on Judiciary.

The motion was duly seconded.

The question being on the motion to refer.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Caminetti, Cartwright, Cullen, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—26.
 NOES—Senators Anthony, Burnett, Finn, Hare, Hartman, Kennedy, and Welch—7.

Resolution ordered referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wright, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 316—An Act to amend sections ten and eleven of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No. 317—An Act to amend sections ten and eleven of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the boards of trustees of cities of the sixth class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 316?"

After the word "October," in line 8, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

The roll was called, and the above Assembly amendment to Senate Bill No. 316 concurred in by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Hare, Hoiohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Senate Bill No. 316 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 317?"

After the word "October," in line 7, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

The roll was called, and the above Assembly amendment to Senate Bill No. 317 concurred in by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Hare, Hoiohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Senate Bill No. 317 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 318?"

After the word "October," in line 7, of Section 1, of the printed bill, insert the words "to be known as 'Discovery Day.'"

The roll was called, and the above Assembly amendment to Senate Bill No. 318 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Senate Bill No. 318 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 35?"

On page 4, after line 99, of the printed bill, insert the following:

"17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees and attested by the city clerk, and may be served in the same manner as subpoenas are served in civil actions; *providing* that the board of trustees may also by ordinance prescribe the punishment for disobedience of a subpoena issued and served as authorized herein."

Also:

On page 4, Section 17, line 100, of the printed bill, strike out the numerals "17", and insert in lieu thereof the numerals "18".

The roll was called, and the above Assembly amendments to Senate Bill No. 35 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Senate Bill No. 35 ordered to enrollment.

PRIVILEGE OF THE FLOOR EXTENDED.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George W. Angle and Mr. Francis Cuttle, of Orange County.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 292 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of the State of California, relative to the powers of the county board of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 505 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 246 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 567—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

BLACK, Chairman.

Senate Bill No. 567 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 567—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees.

Senate Bill No. 567 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED.)

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 762 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 277—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

BLACK, Chairman.

Senate Bill No. 277 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Birdsall asked for and was granted unanimous consent to withdraw Senate Bill No. 277—An Act to amend Section 1876 of the

Political Code of the State of California, referring to contracts by school trustees.

Senate Bill No. 277 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED)

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to compile, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 718 and 773 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 22 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Joint Resolution No. 6—Relative to irrigation by the United States Reclamation Service in California—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WALKER, Chairman.

Assembly Joint Resolution No. 6 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Joint Resolution No. 12—Relating to irrigation by the United States Reclamation Service in California—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

WALKER, Chairman.

Senate Joint Resolution No. 12 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 14—Relating to the preservation of the grove of Calaveras Big Trees—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Senate Joint Resolution No. 14 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 645—An Act to amend Section 4268 of the Political Code of Cali-

ternia, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Also: Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Also: Senate Bill No. 771—An Act to definitely establish, and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Also: Senate Bill No. 830—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code as amended in 1907, statutes of 1907, pages 499 and 500 (thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 645, 760, 771, 830, 832, 836, 890, 911, and 921 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Finance Committee, with the further recommendation it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 607 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 768 and 782 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 245 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 594—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Senate Bill No. 599—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

CUTTEN, Chairman.

Senate Bills Nos. 594, 595, and 599 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Also: Senate Bill No. 598—An Act to amend Section 3806 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTEN, Chairman.

Senate Bills Nos. 596, 597 and 598 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Also: Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bills Nos. 662 and 664 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Also: Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Also: Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Also: Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgments.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 660, 661, 657, 658, and 663 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Willis: Senate Bill No. 985—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act to provide for the dissolution of irrigation districts, and ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, and relating to the dissolution of irrigation districts and the ascertainment and discharge of their indebtedness.

Bill read first time, and referred to Committee on Irrigation.

By Senator Caminetti: Senate Joint Resolution No. 18—A joint resolution to provide for an examination into State insurance systems of the various nations and states.

Senate joint resolution referred to Committee on Labor, Capital and Immigration.

Also: Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Senate constitutional amendment referred to Committee on Judiciary.

Also: Senate Bill No. 986—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 987—An Act to repeal an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 988—An Act to repeal an Act entitled "An Act supplementary to an Act entitled 'An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts in any county or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such election; providing for the punishment of all violations of the provisions of this Act,' approved March 20, 1903, and providing for the testing and inspection of such machines," approved March 19, 1907.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 989—An Act to amend Section 925 of the Penal Code, relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 991—An Act to prohibit alien ownership of lands in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing sections twenty-two and twenty-three of Article XII thereof.

Senate constitutional amendment referred to Committee on Corporations.

By Senator Weed: Senate Bill No. 992—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one.

Bill read first time, and referred to Committee on Judiciary.

By Senator Birdsall: Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting and operating a sprinkling plant and appurtenances thereon.

Bill read first time, and referred to Committee on Finance.

By Senator Martinelli: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation of suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Welch: Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization and management of municipal water districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Thompson: Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Bill read first time, and referred to Committee on Finance.

Also: Senate Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of Superintendent of Schools. *

Senate constitutional amendment referred to Committee on Elections and Election Laws.

Also: Senate Constitutional Amendment No. 43—Proposed amendment to Article IX of the Constitution, relative to schools, their government and taxation.

Senate constitutional amendment referred to Committee on Education.

By Senator McCartney: Senate Bill No. 1004—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 1005—An Act to amend section two of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor

Statistics, and providing penalties for the violation thereof," approved February 20, 1905, and all amendments thereto.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Strobbridge: Senate Bill No. 1006—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Bill read first time, and referred to Committee on Education.

By Senator Burnett: Senate Bill No. 1007—An Act to amend Section 3831 of the Political Code, providing for certain action to be taken by the auditor in the examination of the assessment books of the assessor, and for certain demands to be made upon the assessor by the auditor for the payment of personal property taxes, and the action to be taken thereon by the district attorney for the collection of said personal property taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 1008—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Cutten: Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 1010—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work, or both, along the banks thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Black: Senate Bill No. 1011—An Act to regulate the sale of tickets for places of amusement.

Bill read first time, and referred to Committee on Judiciary.

By Senator Roseberry: Senate Bill No. 1012—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act in force relating to the same, approved March 23, 1901, except section two thereof, and amended March 20, 1903; March 20, 1905; March 6, 1907.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leavitt: Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

Senate constitutional amendment referred to Committee on Banking.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hurd:

Resolved, That Senate Bill No. 17 be forthwith recalled from the Committee on Public Health and Quarantine and placed on second-reading file.

Resolution read.

Senator Hurd moved the adoption of the resolution.

The motion was duly seconded.

The question being upon the adoption of the resolution.

The ayes and noes were demanded by Senators Hurd, Hartman, and Walker.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Anthony, Caminetti, Hartman, Hurd, Walker, and Willis—6.
NOES—Senators Bills, Birdsall, Black, Burnett, Finn, Holohan, Kennedy Leavitt, McCartney, Price, Roseberry, Rush, Savage, Stetson, Weed, and Wright—16.

EXPLANATION OF VOTES.

Senator Wright, in explanation of his vote on the resolution offered by Senator Hurd, addressed the Senate, declaring that he had voted "No" because he believed, from the statement of the chairman of the Committee on Public Health and Quarantine, that the bill referred to in the resolution would be reported out by next Monday.

Senator Willis, in explanation of his vote on the same resolution, addressed the Senate, declaring that he had voted "Aye," because when the author offered to withdraw his resolution if he could be assured of prompt consideration of the bill referred to in the resolution by the Committee on Public Health and Quarantine, no member of this committee would give Senator Hurd this assurance.

Senators Savage and Bills, in explanation of their votes on the same resolution, addressed the Senate, declaring that they had voted "No" for the same reason previously stated by Senator Wright.

Senator Burnett, in explanation of his vote on the same resolution, addressed the Senate, declaring that he had voted "No" because he believed the Committee on Public Health and Quarantine were working hard and conscientiously, and he desired to support them.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 450—An Act to amend Section 4263 of the Political

Code as amended in 1907, Statutes of 1907, pages 509, 510, and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Hare, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Senate Bill No. 261 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep: providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Senate Bill No. 262 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Senate Bill No. 34 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway highways for steam, electric motor, and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Senate Bill No. 192 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Senate Bill No. 232 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Senate Bill No. 667 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants and providing a penalty for the violation thereof.

Senate Bill No. 118 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Senate Bill No. 226 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 698—An Act to amend Section 1392 of the Penal Code of the State of California, relating to the service of summons on corporations in criminal proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 698 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Stetson Thompson, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

On motion of Senator Miller, Senate Bill No. 353 was temporarily passed on file, to retain its place.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Read third time.

MOTION TO REFER TO COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Cartwright as a special committee of one, to amend as follows:

Insert after the word "legal," in line 11 of the printed bill, the following *provided*, that this Act shall not affect any municipal corporation where an action is pending to test the validity of such municipal corporation."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 559, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

On motion of Senator Bills, Senate Bill No. 652 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

On motion of Senator Bills, Senate Bill No. 653 was temporarily passed on file, to retain its place.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

On motion of Senator Bills, Senate Bill No. 654 was temporarily passed on file, to retain its place.

Senate Bill No. 649—An Act to amend Sections 2322, 2322*a*, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code, relating to county boards of horticulture.

On motion of Senator Miller, Senate Bill No. 649 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 3.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization and their powers and duties.

The Legislature of the State of California, at its regular session, commencing on the 4th day of January, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section nine of article thirteen of the Constitution of California be amended to read as follows:

Section 9. The State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts at the general election to be held in the year one thousand nine hundred and ten, and every four years thereafter, whose term shall be four years. The Controller of State shall be ex officio a member of the board. The members of the present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal as practicable, and to provide for the election of members of said Board of Equalization. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties. It shall be the duty of the State Board of Equalization to equalize the valuation of the taxable property between the several counties of the State for purposes of taxation, and to that end it is authorized and empowered to raise or lower the entire assessment roll of any county, and to raise or lower the assessed valuation of any class or classes of property on the assessment roll of any county. It shall be the duty of the county board of equalization in each county to equalize the valuation of the taxable property in the county for the purposes of taxation so as to make the assessment thereof conform to the true value in money, and to that end it is authorized

and empowered to raise or lower any assessment contained in the assessment roll of the county. No board of equalization shall raise the assessed valuation of any mortgage, deed of trust, contract, or other obligation by which a debt is secured, of money, or of any solvent credit, above the face value thereof. Said boards of equalization, both State and county, shall prescribe the rules of notice governing their actions in equalizing.

Senate constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty-five minutes A. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Stetson, Weed, Welch, Willis, and Wolfe—25.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-eight minutes A. M., Senators Price, Kennedy, Hartman, Thompson, Walker, Strobridge, and Boynton were brought to the bar of the Senate, and, on motion of Senator Curtin, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called, and Senate Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, and Willis—28.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Senator Willis gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties—was this day adopted.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

Senate Bill No. 507 was temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONCURRENT RESOLUTION No. 6.

Approving the charter of the City of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

WHEREAS, The Town of Palo Alto, a municipal corporation of the County of Santa Clara, State of California, now is and was at all the times herein referred to a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said town on the 24th day of August, A. D. 1908, under and in accordance with the laws and with the provisions of section eight of article eleven of the Constitution of the said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said town, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said City of Palo Alto, and

WHEREAS, Said board of freeholders did at the same time and place prepare and propose with said proposed charter the following additional proposition I, Article X alcoholic liquors; and

WHEREAS, The said proposed charter and the said additional proposition were, on the 20th day of November, A. D. 1908, signed in duplicate by the members of said board of freeholders, and one copy thereof was, on the 21st day of November, A. D. 1908, duly returned and filed with the president of the Board of Town Trustees of the Town of Palo Alto, and the other copy thereof was duly returned and filed with and in the office of the County Recorder of said County of Santa Clara; and

WHEREAS, Such proposed charter and said additional proposition were thereafter published in the Palo Alto Daily Times, a daily newspaper of general circulation in said town of Palo Alto, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter and said additional proposition; and

WHEREAS, Said proposed charter and said additional proposition were within thirty days after the completion of said publication, submitted by the Board of Town Trustees of the Town of Palo Alto, to the qualified voters of said town at a special municipal election previously duly called and therein held on the 21st day of January, 1909; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said town voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of the said additional proposition; and

WHEREAS, Said Board of Town Trustees of the Town of Palo Alto, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying said additional proposition; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said proposed charter and said additional proposition are in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF PALO ALTO BY THE BOARD OF FREEHOLDERS, ELECTED ON THE TWENTY-FOURTH DAY OF AUGUST, A. D. 1908.

CHARTER OF THE CITY OF PALO ALTO.

ARTICLE I.

BOUNDARIES OF THE CITY.

The boundaries of the City of Palo Alto shall be as follows: All that certain land situated in the County of Santa Clara, State of California, included in the townsite map of the Town of Palo Alto (formerly University Park) as laid down and designated upon a map of said town filed by Timothy Hopkins on the 27th day of February, A. D. 1889, in the office of the County Recorder of said Santa Clara County, in book "D" of maps, page 69, and the proposed boundaries of the said municipal corporation are the boundaries of the said University Park (now Palo Alto) as set forth and particularly described upon said map, to wit:

Commencing at the point of intersection of the center line of the San Francisquito Creek with the northeasterly line of the right of way of the Southern Pacific Railroad; thence southeasterly along said northeasterly line of said right of way of the Southern Pacific Railroad to the northwesterly line of the Embarcadero road; thence northeasterly along said line of the Embarcadero road to the easterly line of block number one hundred eight (108) as designated upon said map; thence northerly along said easterly line of said block number 108 and the easterly line of block

number 109 as laid down upon said map to the northerly line of block number 109; thence westerly along the northerly line of blocks numbers 109, 106, 105, 102, and 101 as laid down on said map to a point on the said northerly boundary line of block 101, being upon an extension southerly of the easterly lines of blocks numbers 95 and 97 as laid down upon said map; thence northerly along the easterly lines of blocks numbers 97 and 96 aforesaid to the northerly line of a road (now known as Channing lane); thence westerly along the northerly line of said road as laid down on said map and parallel to the northerly lines of blocks numbers 95 and 87 to the northeasterly line of Guinda street as laid down on said map; thence along said line of Guinda street northwesterly to the easterly line of block number 83 as laid down on said map; thence northerly along the easterly lines of blocks numbers 83, 84, 85, and letters "H" and "G" as laid down on said map to the center line of the San Francisco Creek; thence southwesterly meandering the center line of said creek to the point of commencement.

SEC. 2. The boundaries above described may be altered, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II.

POWERS.

The City of Palo Alto shall have and exercise the following powers:

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and to be sued in all courts and places, and in all actions and proceedings whatsoever.
4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.
5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do all acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.
6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.
7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.
8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness.
9. To acquire, construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.
10. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life saving stations.
11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.
12. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste; and to define and abate nuisances.
13. To establish and maintain hospitals, indigent homes, and all other charitable institutions.
14. To acquire and maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon.
15. To acquire and maintain markets, baths, and public halls.
16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.
17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.
18. To acquire, construct and maintain all buildings necessary for the transaction of public business.
19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant permits to use the streets or public property, revokable at any time without notice.

21. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

22. To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the state unless the exercise of such powers is contrary to the provisions of this charter.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE III.

COUNCIL.

SECTION 1. All powers herein granted to and vested in the City of Palo Alto shall, except as herein otherwise provided, be exercised by a council to be designated the Council of the City of Palo Alto; and said council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

SEC. 2. Said council shall be composed of fifteen members, each of whom shall have been an elector of the City of Palo Alto for at least three years next preceding his election.

The members of said council shall be known as councilmen, and their terms of office shall be six years, commencing on the first day of July next succeeding their election, except that the terms of those first elected and designated to serve as councilmen shall be as herein provided.

SEC. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing fifteen members of said council.

The fifteen members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that five of said members shall hold office for the term of two years; five for the term of four years, and five for the term of six years.

Thereafter on the second Monday in May of each odd numbered year, an election shall be held at which councilmen shall be elected to succeed the members whose terms expire on the first day of July next following.

SEC. 4. All elections called and held in said city, shall be held and conducted in manner and form as required by the general laws of the state governing elections within municipalities, *provided* that after the first election the council may provide that said elections may be held in such manner as said council may by ordinance determine, or as may be provided by an ordinance adopted by the electors of said city as hereinafter provided.

SEC. 5. Said council shall fix a time and place for its regular meetings and adopt rules to govern its proceedings.

SEC. 6. Eight members of the council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

SEC. 7. No ordinance shall be passed, no appointment made, nor officer removed, no contract shall be awarded and no obligation incurred in excess of three hundred dollars (\$300.00) without the affirmative vote of at least eight members of the council.

SEC. 8. Said council shall elect one of its number as its presiding officer, who shall be known as mayor, and who shall serve for one year after his election.

The said mayor shall preside at all meetings of the council, shall be the chief executive of the said city, and perform such other duties as may from time to time be assigned to him by the council. In all other respects he shall exercise the same duties as any other member of the council.

SEC. 9. The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, and except as otherwise provided, such other officers as may be necessary for the transaction of the affairs of the municipality.

SEC. 10. A vacancy in the council shall be filled by the remaining members of the council, and the appointee shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

SEC. 11. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of 85 cents upon each \$100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council

it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors, and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized.

SEC. 12. The council shall annually appropriate for the use of the several offices and departments, such sums as may be necessary to support the same during each year. Additional appropriations may be made from time to time in case of urgent necessity, by a vote of two thirds of the members of the council.

ARTICLE IV.

DUTIES OF OFFICERS.

SECTION 1. *Clerk.*—It shall be the duty of the Clerk to keep a true record of the proceedings of the council and of the several boards established by this charter and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

SEC. 2. *Auditor.*—It shall be the duty of the Auditor to act as bookkeeper and accountant of the municipality and to record all financial transactions in books kept for that purpose. He shall draw warrants upon the Treasurer for all claims against the city which have been allowed by the council and the several departments boards. He shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

SEC. 3. *Tax Collector.*—It shall be the duty of the Tax Collector to receive and collect all sums due the city for taxes and licenses and from other sources, and he shall pay all moneys received into the treasury of the city, within three days after the receipt thereof.

SEC. 4. *Treasurer.*—The Treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the Auditor for claims which have been previously allowed either by the council or the several department boards, *provided* that the approval of the council or department boards shall not be necessary to pay the monthly salaries of officers and employees. The Treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank within the city authorized by law to receive deposits of public money, in accordance with the provisions of the Constitution and act of the Legislature entitled: "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof." (Approved March 23, 1907.) And the provisions of such act, except as herein otherwise provided, are hereby made applicable to the government of the city of Palo Alto.

SEC. 5. *Assessor.*—It shall be the duty of the Assessor to make annually, between the first Monday of March and the first day of July next succeeding, a complete assessment of all property within the city, and shall upon said last named date turn over to the City Council the assessment roll so prepared by him. He shall act as Tax Collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate.

SEC. 6. *Attorney.*—The Attorney shall act as the legal adviser of the council, the several boards, and any officer of the city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the council or the several department boards. He shall prosecute all violators of the city ordinances and shall represent the city in all actions at law.

SEC. 7. The council may require any of the above officers to give official bonds in such sums as it may deem proper, and the council shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of such officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and shall serve during its pleasure.

SEC. 8. Whenever the public interest may require, the council may consolidate the following officers:

- (a) Clerk and Auditor;
- (b) Clerk and Tax Collector;
- (c) Clerk and Assessor;
- (d) Clerk, Auditor and Assessor;
- (e) Auditor and Assessor;
- (f) Auditor and Tax Collector;
- (g) Assessor and Tax Collector;
- (h) Treasurer and Tax Collector.

Until the council shall by ordinance otherwise provide, the following offices are hereby consolidated:

- (a) Clerk, Auditor and Assessor;
- (b) Tax Collector and Treasurer.

ARTICLE V.

THE SEVERAL DEPARTMENTS.

SECTION 1. The administration of the affairs of the city shall be divided among three departments, viz:

- (1) The Department of Public Works;
- (2) The Department of Public Safety;
- (3) The Department of Public Library.

BOARD OF PUBLIC WORKS.

SEC. 2. The department of public works shall be under the management and control of a board of public works, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council: *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for the unexpired terms. The members of the board of public works shall receive no compensation. The board of public works shall have and exercise the powers and perform the duties herein enumerated, to wit:

1. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon the public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.

2. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; construct, maintain and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life-saving stations.

3. To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, to construct sewers, drains, culverts thereon, to plant trees, construct parking and remove shrubs and weeds. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

4. To construct and maintain all works necessary for the disposition of sewage, garbage and waste.

5. To establish and maintain hospitals, indigent homes and all other charitable institutions.

6. To maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon.

7. To construct and maintain markets, baths, and public buildings other than school and library buildings.

SEC. 3. Whenever any street work or other improvement is to be done or performed and the cost of the whole or any portion thereof is to be paid by any special assessment levied upon property, all such proceedings shall be had and carried on by the council upon the recommendation of the board of public works.

SEC. 4. The board of public works shall appoint as its executive officer a competent engineer, and upon the latter's recommendations such other employees as are necessary to supervise, manage and construct, operate and maintain the properties and things under the control of said board, and shall fix the compensation for all employees.

The engineer so appointed shall be the city engineer and street superintendent, and shall, in addition to his other duties:

1. Advise the council and the several department boards upon all matters of an engineering nature.

2. Supervise the construction and have charge of additions and repairs of all public buildings, irrespective of departments.

SEC. 5. *Board of Public Safety.* The department of public safety shall be under the management and control of a board of public safety, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council: *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms. Members of the board of public safety shall receive no compensation.

SEC. 6. The board of public safety shall have and exercise the powers and perform the duties herein enumerated, to wit:

1. To enforce all police and sanitary ordinances and regulations adopted by the council.

2. To have charge of the police department.

3. To maintain and have charge of the fire department and provide rules for its government; to establish all needful regulations necessary to preserve the health of the city, and to exercise the powers and perform the duties of boards of health as prescribed by the laws of the State of California.

4. To establish and maintain a public pound.

5. It shall appoint such officers and employees as may be necessary, determine their duties and fix their compensation.

SEC. 7. *Library Board.* The department of public library shall be under the management and control of a library board, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment, unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire respectively two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms. Members of the library board shall receive no compensation. The library board shall have and exercise the powers and shall perform the duties herein enumerated, to wit:

1. To manage and control public libraries, reading rooms, museums and art galleries that are now or may hereafter be established, to maintain buildings necessary for the purposes above set forth.

2. To employ librarians, assistants, and such other employees as may be deemed necessary.

SEC. 8. All of the above boards shall have authority to make all contracts necessary for the full exercise of the powers respectively conferred, but shall have no authority to incur a debt or obligation in excess of any fund or appropriation made by the council.

SEC. 9. Said boards shall perform all other duties assigned to them by the council, whether such duties are herein expressly enumerated or not.

SEC. 10. In case the council shall for a period of twenty days fail to appoint the boards provided for in this article, or any member thereof, then it shall be the duty of the mayor to make such appointment.

ARTICLE VI.

BOARD OF EDUCATION.

SECTION 1. The school department of the City of Palo Alto shall comprise all the schools within the Town of Palo Alto, the Palo Alto school district, and all the territory that is now or may hereafter be annexed for school purposes, and shall consist of primary, grammar, and high schools as now established, and such other schools as may hereafter be established, under the provisions of this charter; and shall be known as "Palo Alto City School District," which shall succeed to all the obligations, property, rights, and privileges of the Palo Alto school district.

SEC. 2. All territory included within the limits of the Palo Alto city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 3. The board of education shall consist of five members, who shall have been residents of the school district for at least three years immediately preceding their election, and who shall serve without compensation; *provided*, the board of trustees of the Palo Alto school district shall be and constitute the board of education herein provided for, and shall exercise the powers hereby conferred thereon until the election of their successors at the election provided for in Section 4 of this article.

SEC. 4. The board of trustees of Palo Alto school district shall order and provide for an election to be held in said district on the third Saturday of April in the year 1909, for the election of a board of education. The members so elected shall classify themselves by lot so that the terms of the members shall expire respectively one, two, three, four and five years after the first day of May, 1909.

SEC. 5. The term of office of the members of the board of education, excepting as provided in Section 4 of this article, shall be five years from and after the first day of May succeeding their election.

SEC. 6. An election shall be held on the third Saturday of April, 1910, and on the third Saturday of April of each year thereafter for the election of a member of said board for the full term and for any unexpired term that may exist.

SEC. 7. Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California, and in addition thereto shall have power:

1. To annually appoint a superintendent of schools, define his duties and fix his compensation.

2. To provide a system of tenure of employment and compensation of teachers, but

teachers shall be liable to removal at any time when the welfare of the schools demand such removal.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text-books when authorized so to do by the electors voting on such proposition.

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law.

8. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of May following the next election held for the election of members of such board. At the next election succeeding any vacancy a member shall be elected to serve for the unexpired term.

SEC. 8. The board of education shall determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the state and county; and the board shall, on or before the first day of September of each year, submit in writing to the Board of Supervisors of Santa Clara County, a careful estimate of all money required to be raised by taxation in addition thereto, and said estimate shall state separately the amount required to be raised by taxation upon property within the school district for the support of high schools, and the amount required to be raised by taxation upon the property of the school district for the support of the schools other than high schools; and the Board of Supervisors of Santa Clara County shall, and they are hereby authorized and directed, in each year when fixing the annual tax rate, to levy and assess as a school tax for the maintenance of high schools, such amount as the board of education shall report necessary for that purpose, and shall levy and assess as a school tax for the support and maintenance of the schools other than high schools, such amount as the board of education shall report to be necessary for that purpose. In addition to the taxes levied for the support and maintenance of the schools, the board of supervisors shall annually levy a tax sufficient to pay the principal and interest on all outstanding bonds of the Palo Alto school district.

ARTICLE VII.

POLICE COURT.

SECTION 1. There is hereby created, in and for the City of Palo Alto, a court which shall be known as the police court of the City of Palo Alto. Said court shall consist of one judge, who shall be appointed by the council, and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

SEC. 2. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 3. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court.

SEC. 4. Appeals may be taken to the superior court of the State of California, in and for the county of Santa Clara, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts.

SEC. 5. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws, now applicable or that may hereafter be made applicable to said justices or police courts, are hereby adopted and made applicable to said police court.

SEC. 6. All fines and other moneys received or collected by the judge of said police court, for or on account of the City of Palo Alto, shall be paid into the city treasury on the first Monday in each month.

SEC. 7. All actions and proceedings pending and undetermined in the existing recorder's court of the town of Palo Alto shall be proceeded with, heard, tried, and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court.

ARTICLE VIII.

THE RECALL, INITIATIVE AND REFERENDUM.

SECTION 1. Any elective officer may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the incumbent sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; *provided*, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate or candidates receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices to be filled for such different terms shall be deemed separate and distinct offices to be filled at such election.

Sec. 2. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications, and duties of the clerk in respect thereto, provided in Section 1 of this article for petitions for recall shall apply to petitions of initiative.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per centum of the entire vote cast at the last preceding general election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty per centum of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council

must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words: "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance) and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner heretofore stated, unless such ordinance shall otherwise provide.

SEC. 3. Any ordinance or resolution, other than such as may be required to be *accomplished* by the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

SEC. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law, and *excepting* such ordinances or resolutions as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as *herein provided*; *provided further*, that the petition for such referendum be filed within sixty (60) days from the final passage of such ordinance or resolution.

Whenever a petition shall be presented to the council, asking that a particular ordinance or resolution named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section two of this article, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors the provisions of such ordinance or resolution shall be suspended and be inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in Section 2.

ARTICLE IX.

MISCELLANEOUS.

SECTION 1. The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Palo Alto do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VIII shall be, "The people of the City of Palo Alto do ordain as follows."

SEC. 2. No franchise shall be granted by the council, but may be granted by the electors by ordinance proposed and adopted as provided in Section 2 of Article VIII of this charter; *provided*, that the petition therefor shall be signed by qualified and registered voters equal in number to at least twenty per centum of the votes cast at the last preceding general municipal election; *and provided further*, that no franchise shall be granted for a longer term than twenty-five years.

SEC. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the state forbidding city officials to be so interested is hereby made a part of this charter.

SEC. 4. The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer residing therein.

SEC. 5. The revenue of each public utility shall be kept in a separate fund from all other receipts and shall be used for the purposes and in the order as follows:

1. For the payment of the operating and maintenance expenses of such utility.
2. For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.
3. For the payment of the principal of said debt, as it may become due.
4. The remainder shall be paid into the general fund.

SEC. 6. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate. Any person otherwise qualified may be a candidate for an elective office at any election, regular or special, by filing with the clerk, not less than ten days prior to the day of election, a petition signed by qualified and registered voters equal in number to three per centum of the votes cast at the last general municipal election.

SEC. 7. No member of the council shall hold any other municipal office, or hold any office or employment, the compensation of which is paid out of the municipal

moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 8. No person, firm, or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

SEC. 9. Liens for taxes levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M.

ARTICLE XI.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

SEC. 2. The petition herein provided for must be made, presented, examined, and certified to in the manner and form required for petitions in Section 1 of Article VIII of this charter.

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

ARTICLE XII.

This charter shall take effect at noon on July 1, 1909; *provided*, that all provisions relative to public schools, to elections, the qualifications of candidates, the nomination of candidates for public office shall be operative upon the approval of this charter by the Legislature, and the Board of Trustees of the Town of Palo Alto are hereby directed to provide for all elections provided herein to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of Councilmen.

All the present officials of the Town of Palo Alto shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE.

WHEREAS, The Town of Palo Alto, a city of more than three thousand five hundred inhabitants, did on the twenty-fourth day of August, A. D. 1908, have a special election, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

Be it known, that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing articles signed in duplicate, as and for the charter of the said City of Palo Alto.

In witness whereof, we have hereunto set our hands, at the Town of Palo Alto, County of Santa Clara, in the State of California, this twentieth day of November, A. D. 1908.

MARSHALL BLACK, President.
C. E. JORDAN, Secretary.
WALTER E. VAIL.
E. C. THOITS
S. W. CHARLES
BENJAMIN P. OAKFORD
A. N. UMPHREYS
H. W. SIMPKINS
STANLEY FORBES
CHAS. B. WING
JOHN T. COULTHARD
C. S. DOWNING
C. B. STINSON

ADDITIONAL PROPOSITION SUBMITTED TO A VOTE OF THE PEOPLE AND PROPOSED TO BE INCORPORATED IN THE CHARTER FOR THE CITY OF PALO ALTO.

PROPOSITION I.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person or persons, firm, corporation, club or association or member of such club or association to establish, carry on, keep or maintain a place where spirituous, vinous, malt or intoxicating liquors or any admixture thereof or any alcoholic drinks whatsoever are sold, kept for sale, offered for sale, furnished, distributed, divided, delivered or given away.

SEC. 2. It shall be unlawful for any person, either as owner, employer, agent, servant, clerk or employee, to sell or deliver any of the liquors herein mentioned, or to solicit the sale of or take orders for the same within the limits of the city of Palo Alto.

SEC. 3. It shall be unlawful for any person directly or indirectly, to keep or maintain, by himself or by associating or combining with others, or in any manner to aid, assist or abet in keeping or maintaining any club room or other place within the City of Palo Alto, in which any intoxicating liquors are kept for the purpose of gift, barter or sale, or for distribution among the members of any club or association.

SEC. 4. Any violation of the foregoing provisions in this section shall constitute a misdemeanor, punishable upon conviction by a fine of not more than \$300.00 or by imprisonment in the city jail for a period of not more than three months, or by both such fine and imprisonment.

SEC. 5. The council may by proper ordinance provide additional penalties, not inconsistent with the law, for the violation of the provisions of this section and may adopt such further restrictions as will make the said provisions effective.

SEC. 6. Nothing in this article shall be held or construed as prohibiting the sale or use of alcoholic liquor for medicinal, industrial, sacramental or scientific purposes, but the council shall impose such regulations governing such sale and use of such liquors as will prevent the violation or evasion of the provisions of this article.

CERTIFICATE.

WHEREAS, The Town of Palo Alto, a city of more than thirty-five hundred inhabitants, did on the twenty-fourth day of August, A. D. 1908, have a special election, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare a proposed charter for said city;

Be it known, that in pursuance of said provisions of the Constitution of the State of California and within a period of ninety days after such election, we, the members of said board of freeholders, have prepared and do hereby propose the foregoing additional article signed in duplicate as and for a part of the charter of the said City of Palo Alto, to be presented for the choice of the voters of the City of Palo Alto and to be voted on separately without prejudice to said proposed charter or to any or either of the articles or propositions herewith presented.

In witness whereof, we have hereunto set our hands, at the Town of Palo Alto, County of Santa Clara, in the State of California, this twentieth day of November, A. D. 1908.

MARSHALL BLACK, President.
C. E. JORDAN, Secretary.
WALTER E. VAIL
E. C. THOITS
S. W. CHARLES
BENJAMIN P. OAKFORD
A. N. UMPHREYS
H. W. SIMKINS
STANLEY FORBES
CHAS. B. WING
JOHN T. COULTHARD
C. S. DOWNING
C. B. STINSON

Filed November 21, 1908, at 8:30 A. M., with Charles D. Marx, president of the Board of Trustees of the Town of Palo Alto.

MEMORANDUM.

The first official publication of the foregoing charter was made in the Daily Palo Alto Times, a daily newspaper of general circulation, on Tuesday, December 8, 1908, in accordance with a resolution adopted by the Board of Trustees of the Town of Palo Alto on Tuesday, December 1, 1908, and by direction of the president of said board and the town clerk as provided for in said resolution.

STATE OF CALIFORNIA,
County of Santa Clara. } ss.

I, Charles D. Marx, president of the Board of Town Trustees of the Town of Palo Alto, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting president of said Board of Town Trustees of the Town of Palo Alto; that the board of freeholders whose names appear signed to the foregoing proposed charter and the alternative proposition were, and each of them was, on the 24th day of August, A. D. 1908, at a special municipal election held in said Town of Palo Alto, on said last named day, duly elected by the qualified voters of said town as such freeholders, to prepare and propose a charter for said town; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto, a qualified elector of the said Town of Palo Alto; that said board of freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said town, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said Town of Palo Alto, including the said alternative proposition I, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me as president of the said Board of Town Trustees of the Town of Palo Alto, and the other copy thereof was duly returned to and filed with the recorder of the County of Santa Clara, all within ninety days after said election, as required by section eight of article eleven of the Constitution of this state; that such proposed charter and the said alternative proposition I, were then published in the Daily Palo Alto Times, (the same being a daily newspaper of general circulation in said town) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said alternative proposition; that within thirty days after the publication of said proposed charter and said alternative proposition I as aforesaid, and as required by said section eight of the Constitution, to wit: On the 21st day of January, A. D. 1909, said proposed charter and said alternative proposition I, were submitted to a special municipal election duly held in the said Town of Palo Alto, for the purpose of ratifying or rejecting said proposed charter and the said alternative proposition.

That said proposed charter as a whole and the said alternative proposition were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said town voting thereon, and that the returns of said last mentioned election were duly canvassed by the Board of Town Trustees of said Town of Palo Alto on the 2d day of February, A. D. 1909, and the result thereof declared as above set forth.

And I further certify that all the times herein mentioned said Town of Palo Alto contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said alternative proposition, the provisions of section eight of article eleven of the Constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have, in every particular, been fully complied with.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of said town this 2d day of February, A. D. 1909.

[SEAL]

CHAS. D. MARX,
President of the Board of Town Trustees
of the Town of Palo Alto.

Attest:

C. H. JORDAN,
Town Clerk and ex officio Clerk of the Board of
Town Trustees of the Town of Palo Alto.

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF CALIFORNIA, APPROVING
THE FOREGOING CHARTER OF THE CITY OF PALO ALTO.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the City of Palo Alto including said additional proposition No. 1, as presented to and adopted and ratified by the electors of said Town of Palo Alto as herein above set forth, be and the same is hereby approved as a whole, as and for the charter of said City of Palo Alto as aforesaid.

Senate concurrent resolution read.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, and Willis—28.

NOES—None.

Senate Concurrent Resolution No. 6 ordered engrossed and transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Also: Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Also: Senate Bill No. 106—An Act entitled "An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also: Senate Bill No. 218—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases.

Also: Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 194—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Also: Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Also: Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch, at Atascadero, California, for military camps, maneuvers, and rifle ranges for regular troops and National Guard.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 227, 814, 680, 726, 801, 100, 218, 632, 633, 194, 195, and 492 ordered on file for third reading.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

On motion of Senator Welch, Senate Bill No. 227 was temporarily passed on file, to retain its place.

Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 814 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Senate Bill No. 680 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 726—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 726 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Holohan, Hurd, Martinelli, Miller, Price, Roseberry, Savage, Stetson, Strobbridge, Thompson, Walker, and Willis—22.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 801 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti,

Cartwright, Curtin, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Miller, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An Act to amend Section 1070 of the Political Code, relating to the number of peremptory challenges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 100 refused passage by the following vote:

AYES—Senators Holohan, McCartney, Roseberry, Stetson, Strobridge, and Walker—6.

NOES—Senators Anthony, Bates, Bell, Birdsall, Caminetti, Cartwright, Curtin, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Sanford, Savage, Thompson, Weed, Willis, and Wright—20.

Senate Bill No. 218—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 refused passage by the following vote:

AYES—Senators Bell, Bills, Black, Cartwright, Cutten, Holohan, McCartney, Roseberry, Stetson, Strobridge, and Walker—11.

NOES—Senators Anthony, Bates, Birdsall, Caminetti, Curtin, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Thompson, Weed, and Wright—18.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 632 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Senate Bill No. 633 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, providing the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 194 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Senate Bill No. 195 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

On motion of Senator Anthony, Senate Bill No. 492 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 500—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Senate Bill No. 500 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

During the second reading of bill, the following amendments were submitted by committee:

Amend line 8, page 1, by striking out the parentheses and the figure "2" therein, and insert in lieu thereof the following: "Sec. 2."

Amendment adopted.

Also:

Amend line 22, page 2, by striking out the parentheses and the figure "3" therein, and inserting in lieu thereof the following: "Sec. 3."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 711—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the state library fund.

On motion of Senator Price, Senate Bill No. 581 was temporarily passed on file, to retain its place.

Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 659—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 565—An Act fixing, establishing and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, strike out the word "one", and insert in lieu thereof the following: "any person, firm or corporation as such expert."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of the tax deeds for property sold for delinquent taxes.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Sec. 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 839—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Sec. 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 501—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 476—An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 477—An Act to amend Part III, Chapter III, Article 1, of the Political Code of California by adding a new section to said Article 1, to be numbered 344, relating to fish and game commissions.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 44—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto.

During second reading of bill, the following substitute was submitted by committee:

AN ACT

To amend Penal Code of California by adding a new section thereto to be numbered 637*c* and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of California, to be numbered 637*c* and to read as follows:

637*c*. Every person who shoots or otherwise kills, destroys, wounds, maims, takes, captures or cripples, by seines, set-nets, nets, traps, nets or any other kind of fixed, permanent or loose trap or contrivance, any seal or sea lion in the waters of the Santa Barbara Channel, or on, near or about any lands adjacent thereto, is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not less than one hundred dollars or by imprisonment in the county jail not less than sixty days, or by both such fine and imprisonment; *provided*, that the State Fish Commission may grant permission to any person whom it deems fit, to kill, trap, net, or capture alive, seals or sea lions for scientific or exhibition purposes, the number allowed to be killed or captured to be specified in said permit.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 64—An Act to amend Section 626^f of the Penal Code relating to the protection of deer.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "November", and insert in lieu thereof the word "October".

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the word "Fifteenth", and insert in lieu thereof the following: the word "First".

Amendment adopted.

And:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628^c, to prevent the catching of surf fish, yellow fin, or spot fin croaker, and providing penalties therefor.

During second reading of bill, the following amendments were submitted by committee:

After the word "misdemeanor", line 6, page 1, of the printed bill, strike out the comma (,) and the following words: "and shall be punished by a fine of not less than twenty nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction is had not less than twenty nor more than one hundred and fifty days, or by both such fine and imprisonment", and insert in lieu thereof after the word "misdemeanor" a period (.).

Amendment adopted.

And:

On page 1, of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

During second reading of bill, the following amendments were submitted by committee:

On page 3, Section 1, line 61, after the word "laws" insert semicolon (;).

Amendment adopted.

And:

On page 3, Section 1, line 61, after the word "laws" insert the following: "and such other officers as have been or may hereafter be filling offices created by law."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1899.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901.

During second reading of bill, the following substitute was submitted by committee:

AN ACT

To amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section nine of an "Act authorizing the incurring of indebtedness by cities, towns, and municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, as the same is amended by an Act approved March 19, 1907, be amended so as to read as follows:

Section 9. All contracts for the construction or completion of any public work or improvement, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise, for at least ten days in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed work or improvement, before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best from the successful bidder, to insure the faithful performance of the contract work, and shall also have the right to reject any and all bids: *provided*, that nothing herein contained shall prevent such legislative branch of such city or town from purchasing from the owner or owners any bridge, water works, water right, sewer, light or power works, or plants or buildings for municipal uses, schoolhouses, fire apparatus or other structures referred to in subdivision 2, which are already constructed, with money arising from the sale of such bonds provided for in this Act, and in case any such buildings, plants or improvements herein referred to already constructed, are purchased such advertisement for bids for furnishing labor and material for the proposed improvement shall not be required; *and provided further*, that nothing herein contained shall be construed as prohibiting the municipality itself from constructing or completing such works or improvements, and employing the labor necessary therefor, *and provided, further*, that in cities, towns or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the Constitution, and providing for a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the constructing or completion of public works or improvements, the contracts therefor shall be let and entered into in conformity with such charter.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

During second reading of bill, the following amendments were submitted by committee:

Strike out the title and insert in lieu thereof the following: "An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure to be numbered 1580, providing for a procedure for the sale of property belonging to an estate".

Amendment adopted.

Also:

On page 1, line 10, of the printed bill, strike out the word "mining".

Amendment adopted.

Also:

On page 2, Section 2, line 35, of the printed bill, strike out the parenthetical mark and the words "the power to make all needful postponements being".

Amendment adopted.

Also:

On page 3, line 36, of the printed bill, strike out the words "hereby vested in the court or judge."

Amendment adopted.

Also:

On page 3, lines 40, 41 and 42, of the printed bill, strike out the words "Upon such hearing, witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases."

Amendment adopted.

Also:

On page 3, line 57, of the printed bill, strike out the word "lies", and insert in lieu thereof the words "is situated".

Amendment adopted.

And:

On page 3, of the printed bill, strike out all of lines 58, 59, 60, 61, 62, and 63.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Bill read second time, ordered engrossed, and on file for third reading.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Bates, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

PRIVILEGE OF FLOOR EXTENDED.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. D. M. Donner.

CONSIDERATION OF DAILY FILE—SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

On motion of Senator McCartney, Assembly Bill No. 42 was temporarily passed on file, to retain its place.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estate of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 125—An Act transferring the sum of \$80,000 from the general fund to the estates of deceased persons fund.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

On motion of Senator Wright, Assembly Bill No. 140 was temporarily passed on file, to retain its place.

Assembly Bill No. 161—An Act to amend an Act to provide for work on streets, lanes, and alleys.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 161 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Caminetti, Campbell, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232—An Act to amend Section 3457 of the Political Code, relating to reclamation districts, the warrants thereof, the payment of assessments with warrants, extension of warrants, and the commencement of actions thereon.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Hurd, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 314—An Act to repeal an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,'" to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 314 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 316—An Act to repeal an Act entitled "An Act concerning common schools in the city of Placerville," approved April 1, 1864.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 316 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Estudillo, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey, and construction of a state highway from a point known as the Mt. Pleasant ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bills Nos. 831 and 840 ordered referred to Committee on Finance.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following Senate concurrent resolution was introduced out of order:

By Senator Martinelli: Senate Concurrent Resolution No. 8—Relative to approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Senate concurrent resolution referred to Committee on Municipal Corporations.

ADJOURNMENT.

At two o'clock and twenty-eight minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 11, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 10, 1909, the further reading was dispensed with, on motion of Senator Willis.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Leavitt, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. M. I. Sullivan of San Francisco.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Committee on Executive Communications, in relation to anti-alien legislation, the same was taken up for consideration.

Senator Hurd moved that further consideration of the majority and minority reports be indefinitely postponed.

The motion was duly seconded.

Senator Sanford moved to amend the motion of Senator Hurd to the effect that the consideration of the report be postponed until Tuesday, February 16, 1909.

The motion to amend was duly seconded.

POINT OF ORDER.

Senator Miller made the point of order that the report of the Committee on Executive Communications had been received and placed on file, and that the report was not now before the Senate for adoption or rejection.

The President declared the point of order well taken, and that the consideration of the report of the Committee on Executive Communications relative to anti-alien legislation was not in order.

SPECIAL ORDERS POSTPONED.

Senator Leavitt moved that the special order heretofore set for Thursday, February 11th, immediately after the consideration of the prior special order, the same being the consideration of the report of the Committee on Finance and resolution relating to cost of production and price of products in California, be postponed until Tuesday, February 16th, immediately after the reading of the Journal.

Motion carried.

Also:

Senator Leavitt moved that the special order heretofore set for Thursday, February 11, 1909, immediately after the reading of the Journal, the same being the consideration of the motion to reconsider the vote by which Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor—was passed, be postponed until Tuesday, February 16, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record, upon the books of county recorders, and prescribing a penalty therefor.

Also: Senate Bill No. 711—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Also: Senate Bill No. 320—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence.

Also: Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Senate Bill No. 564—An Act legalizing the formation and organization of

reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 462, 711, 320, 321, 712, 703, 704, 659, and 564 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—and requests that your honorable body recede therefrom.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 145?"

On page 1, Section 1876, line 6, of the printed bill, after the word "void" strike out the period (.), and insert a colon (:).

Also:

On page 1, Section 1876, line 6, of the printed bill, strike out the word "except", and insert in lieu thereof the word "provided".

Also:

On line 1, of the printed amended bill, before the word "section," insert the following: "Section 1."

Also:

In line 3 of the printed amended bill, strike out the word "Section."

Also:

In line 7, of the printed amended bill, strike out the word "seventy," and insert in lieu thereof the word "forty."

Also:

In line 12, of the printed amended bill, after the word "supplies" strike out the "period," and insert in lieu thereof a comma, and the following: "but in all such cases the requisition drawn in his favor in payment for services or supplies must be signed by the other two trustees before it shall be subject to approval by the superintendent of schools."

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 145 by the following vote:

AYES—Senator Anthony—1.

NOES—Senators Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutter, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—28.

COMMITTEE ON CONFERENCE.

Senator Leavitt moved that a committee on conference be appointed to meet a similar committee of the Assembly on Assembly Bill No. 145.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Black, Birdsall, and Thompson on the committee on conference on Assembly Bill No. 145.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 52—An Act to amend Section 649 of the Civil Code of the State of California, relating to the number of trustees of colleges and seminaries of learning.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

MOTION TO RECONSIDER.

In compliance with his notice, given on previous day, Senator Willis moved that the vote whereby Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties—was adopted, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Willis moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 3 was adopted, be made a special order for Tuesday, February 16, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

RESOLUTIONS.

The following resolutions were offered:

By Senator Campbell:

WHEREAS, Sections 17, 18, 19, 20, 21, and 22 of Article XII of the Constitution of this State relate to and affect railroad transportation companies doing business in this State, and prescribe conditions and impose restrictions on such companies for the protection of the public; and

WHEREAS, Some of said sections plainly provide what are the duties of and what is the authority conferred on the State Board of Railroad Commissioners; and

WHEREAS, Said board is clothed with ample power by said sections to act upon and remedy many of the abuses which it is alleged have caused and are now causing serious injury to the producers, shippers, and consumers of California; and

WHEREAS, The inactivity of said board in many matters of public concern subject to its jurisdiction, and particularly its failure to take steps permitted by the interstate commerce law to aid the producers, shippers, and consumers of this State in their efforts to prevent the recent raise in transcontinental freight rates and to investigate the same, has been and now is much deplored by the people of this State; and

WHEREAS, Experience in other states of the Union having the commission system has proven that prompt, reasonable and just execution of constitutional and statute provisions on the subject of railroad regulation has resulted in benefit to the public; and

WHEREAS, By reason of the powers at present conferred by the National Government on the Interstate Commerce Commission and the activity displayed by the members thereof in investigating and remedying abuses in interstate railroad traffic, it is not only important, but absolutely essential, for the people of California to supplement this work within the jurisdiction of this State by an energetic administration of the provisions of our Constitution and laws bearing on the subject of railroad transportation; therefore, be it

Resolved, That the interests of the classes above named require, and public welfare demands, that the said board should be, and they are hereby requested, to appear before the Committee on Corporations, then and there to show what official steps have been taken, if any, to remedy or prevent abuses, violations of law and discriminations, not only as to places and certain industrial activities, but also as to persons, which abuses, violations of law and discriminations are alleged and believed by many people in this State to now exist; also what steps, if any, have been taken to establish and enforce freight rates in this State, and also what, if anything, has been attempted to be done or proposed concerning the said recent raise in transcontinental freight rates; also what recommendation, from their experience as members of said board, such members thereof have to offer on the proposed legislation now pending in the Senate on the question of railroad regulation and other matters affecting the duties of said board; be it further

Resolved, That said committee is instructed to have all statements made at said hearing reported, and transmit the same to the Senate, together with all documents filed under the authority of this resolution, and also to report what action, if any, should be taken or what laws, if any, should be passed to insure a speedy, reasonable and just administration on the part of said board of the important trust confided to its keeping.

Resolution read, and ordered referred to Committee on Corporations.

Also:

By Senator Lewis:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$453.85, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

Wells Fargo & Co.....	\$6 00
H. E. Sleeper.....	6 00
Whiskey Hill Water Co.....	45 00
F. R. Pulford.....	39 55
Scott, Lyman & Stack.....	136 15
M. Fraler.....	11 00
J. L. Martin (incidentals).....	12 00
Willis & Martin Co.....	4 25
Wasserman-Gattman Co.....	12 00
Kane & Trainor Ice Co.....	28 00
John Brenner Co.....	81 30
H. S. Crocker Co.....	72 60

\$453 85

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Finn:

Resolved, That Senator Finn be added to the committee appointed by the chairman of the Committee on Hospitals and Asylums, as provided by a resolution adopted by this Senate on Monday, February 8, 1909.

Resolution read and adopted.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Eugene Downing, auditor and recorder of Siskiyou County.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Gundelfinger of Fresno County.

Also:

On request of Senator Wright, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Smith Crowley.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

Also: Senate Bill No. 572—An Act to amend Section 758 of the Political Code of California, relating to salaries of the clerks of District Courts of Appeal.

Also: Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered forty-two hundred and fifty a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 650, 843, 572, and Assembly Bill No. 295 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 350g, providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Also: Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 223, 908 and Assembly Bill No. 186 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 60—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bill No. 60 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 60—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Senate Bill No. 60 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Also: Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

RUSH, Chairman.

Assembly Bills Nos. 174 and 175 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 573—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes—have had the same under consideration,

and respectfully report the same back, with the recommendation that it be referred to Committee on Judiciary.

RUSH, Chairman.

Senate Bill No. 573 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to Committee on Finance.

RUSH, Chairman.

Senate Bill No. 892 ordered referred to Committee on Finance.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Willis, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. C. E. Clinch of Nevada County.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 630—An Act to repeal an Act of the Legislature of the State of California, entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class", etc.—have had the same under consideration, and respectfully report a substitute for the same back, with the recommendation that said substitute do pass.

BLACK, Chairman.

Senate Bill No. 630 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLACK, Chairman.

Assembly Bill No. 235 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 378 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your San Francisco Delegation, to whom was referred Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of

WELCH, Chairman.

Also :

MR. PRESIDENT: Your San Francisco Delegation, to whom was referred Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

WELCH, Chairman.

Also:

MR. PRESIDENT: Your San Francisco Delegation, to whom was referred Senate Bill No. 537—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the Board of State Harbor Commissioners.

Also: Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895, approved March 23, 1901, approved March 18, 1905.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended, and be referred to Committee on Commerce and Navigation.

WELCH, Chairman.

Senate Bills Nos. 537 and 535 ordered referred to Committee on Commerce and Navigation.

ON FISH AND GAME.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Also: Senate Bill No. 903.—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants, and prescribing their powers and duties.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WELCH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals, and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626c, 626d, 626m and 627b of the Penal Code of the State of California, and add to such Penal Code two new sections, to be numbered Section 626n and Section 626o, relating to the protection and preservation of game and fish.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WELCH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636

of the Penal Code of the State of California, all relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 763 ordered on file for second reading.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner, and the salaries, duties, and qualifications of his appointees—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

BILLS, Chairman.

Senate Bill No. 775 ordered referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as subdivision 17 of said section.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 314, 931, and 932 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and Executive Secretary of the Governor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1014—An Act to add a new section to the Political Code, relating to certificates of purchase.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1015—An Act to amend Section 3398 of the Political Code, relating to the authority of the Surveyor General as agent of the State to locate lands in the United States land offices.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1016—An Act to amend Sections 3495 and 3496 of the Political Code, relative to applications to purchase State lands, and requiring proof of character and settlement.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one hundredths dollars to pay the claim of the Aetna Life Insurance Company of Hartford, Connecticut, against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1018—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one hundredths dollars, to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1019—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one hundredths dollars, to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one hundredths dollars, to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one hundredths dollars, to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one hundredths dollars, to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one hundredths dollars, to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1024—An Act to appropriate the sum of nine hundred and three and seventy-two one hundredths dollars, to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1025—An Act to appropriate the sum of eleven and thirty one hundredths dollars to pay the claim of the Life Association of America against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1026—An Act to appropriate the sum of sixty and fifty-one hundredths dollars, to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1028—An Act to amend Section 608 of the Political Code as to transfers from State to Federal Court.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1029—An Act to add a new section to the

Political Code of the State of California, to be known as and numbered Section 633*b*, relating to resident agents for insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1031—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1032—An Act to amend Section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1033—An Act to amend Section 594*a* of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1034—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of any insurance company.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1035—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1036—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1037—An Act to repeal Section 600*a* of the Political Code, and to reenact same as Section 603*a* of the Political Code.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1038—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633*a*, relating to insurance agents, solicitors and brokers.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1039—An Act to amend Section 607 of the Political Code, as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1040—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Bill read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 1041—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, statutes of 1905, page 777 thereof.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Bill No. 1041.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED.)

The following bills, etc., were introduced:

By Senator Hartman: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages or salaries by employees.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Willis (by request): Senate Bill No. 1044—An Act relating to annual reports of life insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1045—An Act providing that life insurance policies shall constitute the entire contract.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1046—An Act relating to the compensation of and contracts with officers, trustees, directors, and employees of life insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1047—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1048—An Act relating to vouchers for certain disbursements of life insurance companies in this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1049—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1050—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1051—An Act defining the status of persons soliciting life insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1052—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1053—An Act regulating the conditions and provisions to be contained in policies of life insurance companies by domestic companies, or issued in this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1054—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon wild or uncultivated land in this State, situated upon the mountains and catchment basins from which cities, towns, and com-

minuties receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1057—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1056—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section nineteen of article six, relating to charging juries, and appeals in criminal cases.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 1057—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1058—An Act making an appropriation to complete the westerly section of the Mono Lake Basin state highway in Mono County, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1061—An Act to authorize and empower the Board of Managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 1062—An Act to amend section two of an Act entitled an Act relating to revenue and taxation, providing for a license tax upon corporations for the purpose of carrying out the objects

of such Act approved March 20, 1905, and as amended by Act approved March 19, 1907, is hereby amended to read as follows.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1063—An Act to declare the ownership of and provide for and regulate the diversion, distribution and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe lines, providing penalties for violations of this Act and the unlawful diversion or use of water, establishing a State Board of Engineers, etc.

Bill read first time, and referred to Committee on Irrigation.

By Senator Rush: Senate Bill No. 1064—An Act to pay the claim of Henry Allen against the State of California, and making appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Martinelli: Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Bills: Senate Bill No 1066—An Act providing for the purchase and operation of an automobile for the use of the Governor of the State of California, and making an appropriation for the purposes of the Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Cartwright: Senate Bill No 1069—An Act to add a new section to the Penal Code of the State of California, to be numbered 1398, relating to proceedings against associations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1070—An Act to amend section one thousand three hundred and ninety of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1071—An Act to add a new section to the Penal

Code of the State of California, to be numbered 1390a, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1072—An Act to amend section one thousand three hundred and ninety-one of the Penal Code of the State of California, relating to form of summons to be served on corporations in criminal proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1073—An Act to amend section one thousand three hundred and ninety-five of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1074—An Act to amend section one thousand three hundred and ninety-six of the Penal Code of the State of California, relating to proceedings against corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1076—An Act providing for separation of certain territory from cities of the fourth, fifth and sixth classes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Thompson: Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1080—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Hurd: Senate Concurrent Resolution No. 9—Relative to approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

Senate concurrent resolution referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 1081—An Act to authorize the State of California to release and convey to the United States such

portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, etc.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1082—An Act to regulate the contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lewis: Senate Bill No. 1083—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 1084—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1086—An Act to amend Section 1570 of the Penal Code of the State of California, relating to fines.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1088—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of unnavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Campbell: Senate Bill No. 1089—An Act appropriating money to pay the claim of the county of San Luis Obispo against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Stetson: Senate Bill No. 1090—An Act to amend Section 7 of an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Concurrent Resolution No. 10—Relative to approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the

qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

Senate Concurrent Resolution No. 10 referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 10.

INTRODUCTION AND FIRST READING OF BILLS, ETC. -- (RES. MED.).

The following bills, etc., were introduced:

By Senator Bates: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish Police Courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensations of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1092—An Act to amend Section 4300a of the Political Code, relating to fees to be charged and collected by the county clerk.

Bill read first time, and referred to Committee on County Government.

Also (by request): Senate Bill No. 1093—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make an appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.

Bill read first time, and referred to Committee on County Government.

Also, by request: Senate Bill No. 1094—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.

Bill read first time, and referred to Committee on County Government.

Also (by request): Senate Bill No. 1095—An Act to amend subdivision 30 of Section 4941 of the Political Code of the State of California.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1096—An Act to repeal an Act approved March 23, 1907, and entitled "An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance."

Bill read first time and referred to Committee on Corporations.

Also: Senate Bill No. 1097—An Act to repeal an Act approved March 19, 1907, and entitled "An Act providing for the organization and management of mutual fire insurance companies."

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1098—An Act to repeal Chapter VI of Title II of Part IV of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

and each and every section of said chapter, and to repeal the Act approved March 20, 1905, adding said chapter to said Civil Code, and to repeal an Act approved March 19, 1891, and entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance."

Bill read first time, and referred to Committee on Corporations.

By Senator Roseberry: Senate Bill No. 1099—An Act to provide for a state highway from Rincon Creek, at a point near the Pacific Ocean, to the city of Ventura, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Burnett (by request): Senate Constitutional Amendment No. 46—Relative to cities, counties and towns.

Senate constitutional amendment referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1101—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1103—An Act to amend Sections 1230, 1235, and 1238 of the Political Code, relating to the challenging of persons offering to vote at elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Cutten: Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415¹₂, relating to the office of the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284_a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281_a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation

of officers of counties of the thirty-sixth class, and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Bill read first time, and referred to Committee on County Government.

Also (by request of Code Commission): Senate Bill No. 1109—An Act to add a new section to the Code of Civil Procedure of California, to be known as section fourteen hundred and fifty-five, relating to the collection of moneys belonging to estates of deceased persons, and on deposit in banks.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1116—An Act to amend section four hundred and seventeen of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1117—An Act to amend section three hundred and ninety-seven of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1119—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the service of summons in civil actions in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1120—An

Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1121—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1122—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1123—An Act to add a new section to the Code of Civil Procedure of California, to be numbered seven hundred and fifty *a*, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1124—An Act to add a new section to the Civil Code of the State of California, to be known as section one hundred and forty-nine, relating to appeals in divorce proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1125—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1126—An Act to amend section thirty-seven hundred and ninety-three of the Political Code of the State of California, relating to the fee for seizure or sale of personal property for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1127—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, relating to the appointment of a married woman as administratrix of an estate of a deceased person.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1128—An Act to repeal section thirteen hundred and fifty-two of the Code of Civil Procedure of California, relating to executors and guardians of minors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 1129—An Act to repeal sections thirty-three hundred and seventy-six, thirty-three hundred and seventy-seven, thirty-three hundred and seventy-eight, thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two, thirty-three hundred and eighty-three, thirty-three hundred and eighty-four, thirty-three hundred and eighty-five, thirty-three hundred and eighty-six, and thirty-three hundred and eighty-seven of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Senate Bill No. 785—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.

Also: Senate Bill No. 786—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.

Also: Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also: Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Senate Bill No. 790—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Senate Bill No. 792—An Act making an appropriation for the purchase and installation of a refrigerating plant and other equipment for the California Polytechnic School.

Also: Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory at the California Polytechnic School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to the Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, and 795 ordered referred to Committee on Finance.

ON HOSPITALS AND ASYLUMS

SENATE CHAMBER, SACRAMENTO, February 10, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanic Trades for the Adult Blind—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended and be referred to the Committee on Finance.

PRICE, Chairman.

Senate Bill No. 95 ordered referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 448—An Act to amend an Act to the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,' " approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, and 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

Senate Bill No. 261 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Senate Bill No. 262 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Senate Bill No. 34 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and

maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Senate Bill No. 266 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Senate Bill No. 192 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Senate Bill No. 232 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 667 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cartwright, Cullen, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants and providing a penalty for the violation thereof.

On motion of Senator McCartney, Senate Bill No. 118 was temporarily passed on file, to retain its place.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto:

making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

On motion of Senator Welch, Senate Bill No. 226 was temporarily passed on file, to retain its place.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

On motion of Senator Miller, Senate Bill No. 353 was temporarily passed on file, to retain its place.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

On motion of Senator Bills, Senate Bill No. 652 was temporarily passed on file, to retain its place.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

On motion of Senator Bills, Senate Bill No. 653 was temporarily passed on file, to retain its place.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

On motion of Senator Bills, Senate Bill No. 654 was temporarily passed on file, to retain its place.

Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

Senate Bill No. 507 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 227—An Act to provide for the issuance and sale of

State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area of a tidal basin, for wharves, docks, piers, harbors and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Senate Bill No. 227 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen and sixteen thereof.

Senate Bill No. 680 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 632 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Senate Bill No. 633 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, providing the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 194 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Senate Bill No. 195 was temporarily passed on file, in the absence of the author, to retain its place.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Morehouse.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to O. J. Woodward of Fresno County.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 492—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Anthony moved a call of the Senate.

The question being upon the motion.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hartman, Holohan, Lewis, Martinelli, Miller, Reilly, Sanford, Savage, Strobridge, Thompson, Walker, and Weed—24.

NOES—Senators Boynton, Hurd, Leavitt, McCartney, Price, Willis, and Wright—7.

Time, twelve o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Sanford, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and fifteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Caminetti.

The roll of absentees was called, and Senate Bill No. 492 refused passage by the following vote:

AYES—Senators Anthony, Black, Burnett, Caminetti, Campbell, Cartwright, Finn, Hartman, Holohan, Reilly, Sanford, and Welch—12.

NOES—Senators Bates, Bell, Bills, Birdsall, Boynton, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—22.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Joint Resolution No. 12—Relating to irrigation by the United States Reclamation Service in California.

On motion of Senator Boynton, Senate Joint Resolution No. 12 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION NO. 14.

WHEREAS, There is pending in the Congress of the United States a bill providing for the purchase of the "Calaveras Big Trees":

WHEREAS, The lands upon which said "Big Trees" are standing, though patented and in the hands of individuals, are included within a United States forest reserve:

WHEREAS, The policy of maintaining such reserve demands that said lands should become a part thereof and be thereafter dedicated to the public forever.

WHEREAS, The danger of private ownership turning the trees growing thereon into commercial channels should be averted as their use in such manner would mean the loss of a priceless gift of nature to mankind; therefore, be it

Resolved by the Senate and the Assembly jointly. That the Legislature of the State of California memorializes the Congress of the United States, to secure by purchase under the provisions of the pending measure, the lands containing the famous "Calaveras Big Trees," and thus save from commercial use that which can never be replaced; be it further

Resolved. That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of said measure; be it further

Resolved. That a copy of these resolutions be forwarded to the President, the respective houses of Congress, and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Rush, Savage, Stetson, Strobridge, Walker, Weed, Willis, and Wright—25.

NOES—None.

Senate Joint Resolution No. 14 ordered engrossed, and transmitted to the Assembly.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

Senate Bill No. 462 was temporarily passed on file, in the absence of the author, to retain its place.

SENATOR WRIGHT IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator Wright, of the Fortieth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 711—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Read third time.

On motion of Senator Leavitt, Senate Bill No. 711 was temporarily passed on file, to retain its place.

Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis,

Martinelli, McCartney, Reily, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Finn, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Reily, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced (out of order):

By Senator Leavitt: Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Willis: Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Bill read first time, and referred to Committee on County Government.

By Senator Burnett: Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.

Bill read first time, and referred to Committee on Education.

By Senator McCartney: Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1135—An Act to prohibit persons from stealing or attempting to steal rides on railroad trains, engines or cars, or from climbing thereon while the same are standing still or in motion, and to provide a penalty and punishment therefor.

Bill read first time, and referred to Committee on Corporations

By Senator Black (by request): Senate Bill No. 1136—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bills: Senate Bill No. 1137—An Act to amend section four hundred and fifty-seven of the Political Code.

Bill read first time, and referred to Committee on County Government.

RECESS.

At twelve o'clock and twenty-nine minutes P. M., on motion of Senator Strobridge, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Sec. 2.

Amendment adopted.

Also:

By Senator Willis:

Amend by inserting the following, immediately after the title: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 18, strike out the period and insert the following: "and

for the transportation of library books, and other reading matter of the teachers' library, to and from the various schools of the county.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At two o'clock and ten minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

On motion of Senator Leavitt, Assembly Bill No. 140 was temporarily passed on file, to retain its place.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Willis, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

ASSEMBLY JOINT RESOLUTION No. 6.

Relating to irrigation by the United States Reclamation Service, in California.

WHEREAS, Through the sale of public lands in this state, California contributes large amounts to the funds of the United States Reclamation Service; and

WHEREAS, California possesses many undeveloped irrigation projects, which, when constructed, will place large areas of extremely fertile lands under irrigation, thereby greatly increasing the population, wealth and productive capacity of the state and nation; and

WHEREAS, The highest possible value and productive possibility of a large proportion of the agricultural lands of this state can be brought about only by means of irrigation; and

WHEREAS, Many of the undeveloped irrigation projects in California are of such magnitude as to entail an expense that makes the construction of such systems beyond the reach and capacity of private individuals or corporations; therefore, be it

Resolved, by the senate and assembly of the State of California jointly, That it favor the construction of further irrigation projects in this State by the United States Reclamation Service, and that we respectfully and earnestly request of the honorable secretary of the interior and the honorable director of the United States Reclamation Service that further irrigation units or projects be located and constructed within this State; and be it further

Resolved, That upon the passage of this joint resolution, the Chief Clerk of the Assembly be directed to forward a copy thereof to the Honorable James R. Garfield, Secretary of the Interior, and to the Honorable F. H. Newell, Director of the United States Reclamation Service, urging them to carry out the provisions of this resolution.

Assembly Joint Resolution read.

The question being on the adoption of the Assembly Joint Resolution.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Campbell, Cullen, Hartman, Holohan, Leavitt, Lewis, McCartney, Rush, Savage, Stetson, Strobbridge, Walker, Weed, Willis, and Wright—21.

NOES—None.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. P. Hill of San Jose.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Albert M. Norton of Los Angeles.

WITHDRAWAL OF SENATE JOINT RESOLUTION.

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 12—Relating to irrigation by the United States Reclamation Service in California.

Senate Joint Resolution No. 12 withdrawn, and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 47—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Kennedy, Leavitt, Lewis, McCartney, Reilly, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 176 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Burnett, Cartwright, Curtin, Cutton, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reilly, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 611—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Cart-

wright, Cullen, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Reily, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 731—An Act making an appropriation for the maintenance of the Governor's residence from January 1, 1909, to June 30, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 731 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Cartwright, Cullen, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reily, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Bonyton, Burnett, Curtin, Finn, Hare, Hurd, Kennedy, Martinelli, McCartney, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—Senator Savage—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Stetson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers—was this day finally passed.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. W. Getchell.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Leslie R. Hewitt of Los Angeles.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 124—An Act to provide for the investment of the moneys in the estate of deceased persons fund, and also to provide for payment of interest received into the state school fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Finn, Hare, Hartman, Hurd, Kennedy, Martinelli, McCartney, Miller, Price, Reilly, Savage, Stetson, Strobbridge, Thompson, Walker, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125—An Act transferring the sum of \$80,000 from the general fund to the estates of deceased persons fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Leavitt, Martinelli, Price, Savage, Stetson, Strobbridge, Thompson, Willis, and Wright—21.

NOES—None.

Title read and approved.*

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS.

Senator Leavitt moved that the Senate take up the third reading of Senate bills.

Motion carried.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and forty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced (out of order):

By Senator Cartwright: Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township offices of counties of the seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Willis: Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute *prima facie* evidence.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1143—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Constitutional Amendment No. 47—Proposed amendment to Article XI of the Constitution, relative to taxes upon public or municipal corporations and the raising of money for the support of public schools.

Senate constitutional amendment referred to Committee on Education.

Also: Senate Bill No. 1144—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away or exposing for sale of any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Bill read first time, and referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Boynton, Burnett, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498*a*, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holobau, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WILLIS IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

On motion of Senator Leavitt, Senate Bill No. 659 was temporarily passed on file, to retain its place.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hurd, the privilege of the floor of the Senate chamber, for this day, was unanimously extended to Mr. Marshall Stimson of Los Angeles.

Also:

On request of Senator Stetson, the privilege of the floor of the Senate chamber, for this day, was unanimously extended to Messrs. John E. McElroy, Frank Mott, and W. J. Baccus of Alameda County.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 564 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reilly, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 500—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Senate Bill No. 500 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in public schools in the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, strike out all of lines 25, 26, 27 and 28, and in lieu thereof insert the following: "that no more than twenty recitations per week, exclusive of those in writing, orthography, music, humane education, manners and morals, physical culture, including the necessary elements of physiology and hygiene, with special reference to the injurious effects of tobacco, alcohol, and narcotics on the human system, shall be required of pupils in the elementary or common schools, and no pupil under the age of fifteen years shall be required to do any home study."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 4 and 5, strike out the words "Section seventeen, hundred and seventy-one. Power of county boards of education", and insert in lieu thereof the figures "1775."

Amendment adopted.

And:

Also amend the bill by striking out the parentheses "()" wherever they occur in the bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the Board of Trustees of the State Library.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 22-28, strike out the whole of subsection number 10, and insert in lieu thereof the following: "10. To establish, in their discretion, deposit stations in various parts of the State, under the control of an officer or

employee of the State Library; *provided*, that no books shall be kept permanently away from the main library, which may be required for official use."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

During second reading of bill, the following amendments were submitted by committee:

On page 2 of Senate Bill No. 22, Section 2, line 1, strike out the words "and twenty-five"; in line 2 strike out the figures "\$125,000", and insert in lieu thereof the figures "\$100,000"; in line 7 strike out the words "and twenty-five"; in line 8 strike out the words "twenty-five", and insert in lieu thereof "thirty-five"; in line 9 strike out the figures "\$25,000", and insert in lieu thereof "\$35,000"; in line 10 strike out the word "fifty", and insert in lieu thereof "thirty", also strike out the figures "\$50,000", and insert in lieu thereof "\$30,000"; in line 12 strike out the word "fifty", and insert in lieu thereof the word "thirty-five", also strike out the figures "\$50,000", and insert in lieu thereof the figures "\$35,000."

Amendment adopted.

And:

On page 3, Section 6, line 1, strike out the words "Sec. 6. This act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 645—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5 of the printed bill, strike out the comma following the word law, and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 2, Section 1, line 20 of the printed bill, strike out the word "commission", and insert in lieu thereof the word "commissions".

Amendment adopted.

Also:

On page 2, Section 1, line 20, strike out the word "processes", and insert in lieu thereof the word "process".

Amendment adopted.

Also:

On page 2, Section 1, line 21, of the printed bill, strike out the word "served", and insert in lieu thereof the word "issued".

Amendment adopted.

Also:

On page 3, Section 1, line 75, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 3, Section 1, line 77, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

Also:

On page 4, Section 1, line 98, of the printed bill, insert a comma after the word "constables".

Amendment adopted.

Also:

On page 4, Section 1, line 99, of the printed bill, insert a comma after the word "population".

Amendment adopted.

Also:

On page 4, Section 1, line 106, strike out the word "fully", and insert in lieu thereof the word "legibly".

Amendment adopted.

And:

Strike out all of line 165, on page 5 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, of the printed bill, strike out the word "service", and insert in lieu thereof the word "services".

Amendment adopted.

Also:

On page 4, Section 1, line 118, of the printed bill, after the word "only" where it first appears in said line, strike out the words "in going only".

Amendment adopted.

Also:

On page 4, Section 1, lines 124 and 125, of the printed bill, strike out the word "therefore", and insert in lieu thereof the word "therefor".

Amendment adopted.

And:

On page 4, of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 771—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

During second reading of bill, the following amendments were submitted by committee:

In line 2, of the title of the printed bill, after the word "locate" insert a comma.

Amendment adopted.

Also:

On page 1, Section 1, line 2, of the printed bill, after the word "county" insert the word "of".

Amendment adopted.

And:

Strike out all of lines 4 to 40, inclusive, and the unnumbered line following line 40, and in lieu thereof insert the following:

"Beginning at a point established by section two of 'An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the county of Glenn, between Mendocino and Glenn counties,' approved March 8, 1907, said point being the corner of sections sixteen (16), seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range 9 west, M. D. M. according to the United States survey; thence east between sections sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), fourteen (14), twenty-three (23), thirteen (13), twenty-four (24), of township twenty (20) north, range 9 west, M. D. M. and sections eighteen (18), nineteen (19), seventeen (17), twenty (20), sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), township twenty (20) north range 8 west, M. D. M. to corner of sections fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), township twenty (20) north, range 8 west, M. D. M.; thence south between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township twenty (20) north, range 8 west, M. D. M. and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township nineteen (19) north, range 8 west, M. D. M., and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), to one-quarter (1/4), section corner on section line dividing sections twenty-six (26) and twenty-seven (27), township 18 north, range 8 west, M. D. M. Said point being on boundary line between the county of Glenn and the county of Colusa as established by 'An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa,' approved March 11, 1893."

Amendment adopted.

Read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 830—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, of the printed bill, strike out the word "by" at the beginning of said line, and insert in lieu thereof the word "of".

Amendment adopted.

Also:

On page 2, Section 1, line 24, of the printed bill, after the word "be" insert the word "so".

Amendment adopted.

Also:

On page 3, Section 1, line 58, of the printed bill, at the beginning of said line and before the word "the" insert the figures "11" and a period.

Amendment adopted.

And:

On page 3, Section 1, line 71, of the printed bill, at the beginning of said line, and before the word "constables", insert the figures "14" and a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, of the printed bill, strike out the colon following the figures "2712", and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 14, of the printed bill, strike out the word "title", and insert in lieu thereof the word "act".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the period after the word "California", in line 3 thereof, and inserting in lieu thereof a comma, and the following words: "relating to salaries and fees of officers of counties of the fourth class, their deputies, and assistants".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, after the figure 1, insert the word "Section".

Amendment adopted.

Also:

On page 1, Section 1, strike out of lines 2 and 3, of the printed bill, the following words: "relating to salaries and fees of county officers of the fourth class".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, at the beginning of said line, insert the figures "4233" and a period.

Amendment adopted.

Also:

On page 2, lines 52 and 53, of the printed bill, strike out the parentheses.

Amendment adopted.

Also:

On page 3, line 93, of the printed bill, before the word "funds", insert the word "same".

Amendment adopted.

Also:

On page 4, line 106, of the printed bill, after the word "shall", insert the word "each".

Amendment adopted.

Also:

On page 4, line 128, after the word "shall", insert the word "each".

Amendment adopted.

And:

On page 6, line 208, of the printed bill, strike out the word "deposition", and insert the word "depositions".

Amendment adopted.

Also:

Offered by Senator Walker:

On page 6, Section 1, line 189, of the printed bill, strike out the period and insert in lieu thereof a semicolon "(:)", and the following words: "*(provided, however, that in all such townships having a population of 20,000 or more, there shall be two township justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.)*"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 16, of the printed bill, strike out the letters "shal", and insert in lieu thereof the word "shall".

Amendment adopted.

And:

On page 2, line 22, of the printed bill, strike out the word "services", and insert in lieu thereof the word "service".

Amendment adopted.

Also:

Offered by Senator Martinelli:

Amend by striking out of Section 1 all of subdivision seventeen, being lines 109 to 143 inclusive.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 3, lines 67 and 68, of the printed bill, strike out the word "eight-five", and insert in lieu thereof "eighty-five".

Amendment adopted.

Also:

On page 6, line 202, at the beginning of said line, insert the figures "15" and a period.

Amendment adopted.

And:

On page 6, line 206, of the printed bill, strike out the words "and nine", and insert in lieu thereof the word "eleven".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out all of section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations.

On motion of Senator McCartney, the following committee amendments to Senate Bill No. 245 were ordered printed in the Journal:

On page 5, Section 2, line 129, strike out the words "a majority", and insert in lieu thereof the following: "two thirds".

Also:

On page 2, Section 2, line 5, strike out the words "one fifth", and insert in lieu thereof the following: "a majority".

Also:

On page 10, insert after Section 4 the following:

"SEC. 5. If it shall appear from such canvass of the votes that two thirds of the votes cast did not vote in favor thereof, there shall be no further proceedings hereunder for the period of four years."

Also:

On page 10, Section 5, line 1, strike out the figure "5", and insert in lieu thereof the following: "6".

Also:

On page 10, Section 6, line 1, strike out the figure "6", and insert in lieu thereof the following: "7".

And:

On page 10, Section 7, line 1, strike out the figure "7", and insert in lieu thereof the following: "8".

On motion of Senator McCartney, Senate Bill No. 245 was temporarily passed on file, to retain its place.

Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss

beer, beer, white beer, or other beverages." approved March 31, 1891, amended March 5, 1903.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 5, of the title, after the word "white", strike out the word "beer", and insert in lieu thereof the word "beer".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 594—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State and to repeal all Acts and parts of Acts in conflict with this Act."

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 20, of the printed bill, strike out word "fifth", and insert in lieu thereof the word "tenth".

Amendment adopted.

And:

On page 3, Section 3, strike out all of line 61 after the word "law", and strike out lines 62, 63, 64 and 65, and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, of printed bill, strike out the words "General duties of."

Amendment adopted.

And:

On page 1, Section 1, lines 6 and 7, strike out the words: "on the second Monday in October", and insert in lieu thereof the following: "before the fifteenth day of December."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 599—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.

During second reading of bill, the following amendment was submitted by committee:

Strike out of Section 1, beginning with the word "He", on line 11, down to and including all of line 18, and inserting in lieu thereof the following: "He must draw warrants on the State Treasurer in favor of the county treasurers, or in favor of the State Treasurer, as provided in section three thousand eight hundred and sixty-six of this code, upon receipt from the Superintendent of Public Instruction of an abstract of the apportionment of the state school fund provided for in section one thousand five hundred and thirty-two of this code; and the warrants so drawn are not subject to the provisions of article eighteen of this chapter."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury, and the duties of the Treasurer, Controller, and the Board of Examiners in connection therewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 598—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller, and payments into the State treasury.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

During second reading of bill, the following amendments were submitted by committee:

In title, page 1, line 2, strike out the figures "747, 747a, 747b, 747d, 747e", and insert "1247, 1247a, 1247b, 1247c, 1247d, 1247e."

Amendment adopted.

Also:

Page 1, line 2, strike out the figures "747", and insert "1247."

Amendment adopted.

Also:

Line 4, strike out the figures "747", and insert "1247."

Amendment adopted.

Also:

Page 2, line 2, strike out "747a", and insert "1247a."

Amendment adopted.

Also:

Page 2, line 4, strike out "747a", and insert "1247a."

Amendment adopted.

Also:

Page 2, line 32, strike out the word "two", and insert "three".

Amendment adopted.

Also:

Page 3, line 31, add "and he must immediately transmit to the Attorney General a carbon copy thereof, with any and all corrections made to the original noted thereon."

Amendment adopted.

Also:

On page 3, Section 3, line 2, strike out the figures "747c" and insert "1247c" and on line 3 strike out "747c" and insert "1247c".

Amendment adopted.

Also:

On page 3, Section 4, line 2, strike out "747c", and insert "1247c", and on line 3 strike out "747c" and insert "1247c".

Amendment adopted.

Also:

On page 3, Section 3, line 12, strike out the figures "747a", and insert "1247a".

Amendment adopted.

Also:

On page 4, Section 5, line 2, strike out "747d" and insert "1247d", and on line 3 strike out "747d" and insert "1247d".

Amendment adopted.

Also:

On page 4, Section 5, line 4, after the word "notes", insert the words "or the appellant shall file a transcription of the proceedings as provided in Section 1247b of this code".

Amendment adopted.

And:

On page 4, Section 6, line 2, strike out "747c" and insert "1247c" and on line 3 strike out "747c" and insert "1247c".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, after the word "announcing", insert "personally or through his attorney".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 13, after the word "party", insert "an order granting or denying a nonsuit."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 5, strike out the word "two", and insert in lieu thereof the following: "three".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

During second reading of bill, the following amendment was submitted by committee:

On page 2, at end of bill, add: "If the court shall refuse to hear a defendant's motion for a new trial, or when made shall neglect to determine such motion within the time fixed for pronouncing judgment, or within the time to which the same is continued under the provisions of Section 1191 of this code, then the defendant shall be entitled to a new trial."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 731—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

Also: Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BATES, Chairman.

Senate Bills Nos. 730, 731, 732, and 733 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced out of order:

By Senator Roseberry: Senate Bill No. 1145—An Act for the establishment in the city of Santa Barbara of a State normal school of manual arts and home economics, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Senator Hare: Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Thompson: Senate Bill No. 1147—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California,

relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 1148—An Act to amend sections thirty-four hundred and forty-six, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, and thirty-four hundred and ninety-one of the Political Code of the State of California, relating to irrigation and reclamation districts.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 1149—An Act to amend an Act entitled "An Act providing for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and for the payment of taxation upon the property situated in such reclamation districts," approved March 27, 1895, by amending sections numbers 1, 2, 3, 4, 5, and 7.

Bill read first time, and referred to Committee on Irrigation.

By Senator Reily: Senate Bill No. 1150—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 382a, relating to the disposal of cold-storage eggs, or fish.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 1151—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 381a, relating to dairies.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Hurd: Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1153—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1154—An Act to amend Section 12 of an Act entitled "An Act to establish Police Courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain

sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purpose.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

LEAVES OF ABSENCE

Senator Curtin was, on his own motion, granted leave of absence until Monday, February 15, 1909.

Senator Sanford was, on motion of Senator Curtin, granted leave of absence until Monday, February 15, 1909.

Senator Campbell was, on motion of Senator Caminetti, granted leave of absence until Monday, January 15, 1909.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 12, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 11, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

APPROVAL OF THE JOURNALS.

The Journals of Monday, February 1, Tuesday, February 2, Wednesday, February 3, Thursday, February 4, and Friday, February 5, 1909, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Roseberry was, on motion of Senator Stetson, granted leave of absence until Monday, February 15, 1909.

Senator Wolfe was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Rush was, on motion of Senator Strobbridge, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Bills, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. W. Kaerth of Colusa County.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leslie R. Hewitt of Los Angeles.

Also:

On request of Senator Wright, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Frank Short of Fresno County.

Also:

On request of Senator Walker, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. W. Conant of San Jose.

Also:

On request of Senator Hare, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. W. B. White and L. E. Burks of San Francisco.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 848 read first time, and ordered referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Also: Senate Concurrent Resolution No. 5—Relative to joint rules.

Also: Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation organization, management, and coöperation of agricultural, viticultural and horticultural non-profit coöperative associations.

Also: Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act, to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislation or other governing bodies, and repealing conflicting Acts," approved March 22, 1905. Statutes of 1905, page 777 thereof.

Also: Senate Bill No. 8—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Also: Senate Bill No. 316—An Act to amend sections ten and eleven of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No. 317—An Act to amend sections ten and eleven of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 318—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 35—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization and their powers and duties.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of February, 1909, at four o'clock P. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 565—An Act fixing, establishing, and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 799—An Act to amend Section Number 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 800—An Act to amend Section Number 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Also: Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the fish commission fund and the game preservation fund into a common fund, to be known as Fish and Game Preservation Fund.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I of the Political Code of California, by adding a new section to said Article I, to be numbered three hundred forty-four, relating to fish and game commissions.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Also: Senate Bill No. 765—An Act to amend section nine hundred and seventy-four of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Also: Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator guardian, assignee, receiver, depository or trustee or to engage in the business of banking.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 514—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Concurrent Resolution No. 6—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

Also: Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Also: Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Also: Senate Bill No. 805—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.

Also: Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Also: Senate Bill No. 690—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

Also: Senate Bill No. 555—An Act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred ninety-two a, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Also: Senate Bill No. 678—An Act amending sections four, ten and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 183—An Act to amend Sections 784, 788 and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Senate Bill No. 778—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions and reports of the Supreme and Appellate Courts.

Also: Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Also: Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article XIII of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.

Also: Senate Bill No. 617—An Act to amend sections three thousand six hundred eighty, three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also, since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Senate Joint Resolution No. 14—Relative to the preservation of the grove of Calaveras big trees.

Also: Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.

Also: Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the state treasury and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Also: Senate Bill No. 598—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to settlements with the Controller and payments into the state treasury.

Also: Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Also: Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Also: Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 839—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 565, 799, 800, 501, 476, 477, 677, 804, 798, 765, 513, 684, 514, 648, 729, 212, 354, 482, 805, 812, 690, 554, 555, 556, 678, 183, 778, 115, 647, 559, 588, 581, 718, 773, 596, 597, 598, 662, 664, 819, 838, and 839 ordered on file for third reading.

Senate Concurrent Resolution No. 6 and Senate Joint Resolution No. 14 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 699—An Act to amend Section 1097 of the Political Code, relating to qualifications of person in event of registration.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that Senate Bill No. 466 do pass as amended, and recommend that Senate Bill No. 699 be withdrawn.

ESTUDILLO, Chairman.

Senate Bills Nos. 699 and 466 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lewis asked for and was granted unanimous consent to withdraw Senate Bill No. 699—An Act to amend Section 1097 of the Political Code, relating to qualifications of person in event of registration.

Senate Bill No. 699 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 220 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Also: Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Have had the same under consideration, and respectfully report the same back, and majority recommend that they do not pass.

ESTUDILLO, Chairman.

MINORITY REPORT ON SENATE BILL NO. 55.

MR. PRESIDENT: The undersigned, a minority of your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 55, have had the same under consideration, and herewith return the same back, with the recommendation that it do pass.

ESTUDILLO, Minority.

Senate Bills Nos. 742 and 55 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted as amended.

BLACK, Chairman.

Senate Constitutional Amendment No. 37 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, relating to the use of text-books in the public schools—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BLACK, Chairman.

Senate Bill No. 956 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 964 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 275—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

BLACK, Chairman.

Senate Bill No. 275 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Birdsall asked for and was granted unanimous consent to withdraw Senate Bill No. 275—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

Senate Bill No. 275 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BLACK, Chairman.

Assembly Bill No. 604 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 228 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$100 for stamps, expressage, and postage, the same to be payable out of the contingent fund of the Senate.

Also:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$453.85, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

Wells Fargo & Co.....	\$6 00
H. E. Sleeper.....	6 00
Whiskey Hill Water Co.....	45 00
F. R. Pulford.....	39 55
Scott, Lyman & Stack.....	136 15
M. Fraler.....	11 00
J. L. Martin (incidentals).....	12 00
Willis & Martin Co.....	4 25
Wasserman-Gattman Co.....	12 00
Kane & Trainor Ice Co.....	28 00
John Breuner Co.....	81 30
H. S. Crocker Co.....	72 60
	<hr/>
	\$453 85

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

RUSH, Acting Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Stetson, Thompson, Walker, Welch, Willis, and Wright—27.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 938—An Act to amend Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

McCARTNEY, Chairman.

Senate Bill No. 938 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 107—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to Committee on Judiciary.

McCARTNEY, Chairman.

Senate Bill No. 107 ordered referred to Committee on Judiciary.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.

Also: Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Senate Bill No. 853—An Act to prevent persons from unlawfully forming, organizing, installing and constituting secret societies, orders or other organizations having names, titles or insignia similar to or resembling those secret societies, orders and organizations which have been formed and organized in this State for more than ten years prior to the first day of January, 1909, and adding a new section to the Penal Code of California to be designated and known as Section 532a.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 743, 184, and 853 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to Article VI, section eight of the Constitution, relating to judges of the Superior Court—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted as amended.

WILLIS, Chairman.

Senate Constitutional Amendment No. 36 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance and collusion in divorce actions and providing punishment therefor.

Also: Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WILLIS, Chairman.

Senate Bills Nos. 965, 937, and 954 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 899—An Act to amend Section 25 of the Civil Code, defining who are minors.

Also: Senate Bill No. 780—An Act to amend section four hundred and ten of the Political Code of California, relating to distribution of reports of Supreme and Appellate Courts.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 899 and 780 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bills Nos. 899 and 780.

Senate Bill No. 899—An Act to amend Section 25 of the Civil Code, defining who are minors.

Senate Bill No. 780—An Act to amend section four hundred and ten of the Political Code of California, relating to distribution of reports of Supreme and Appellate Courts.

Senate Bills Nos. 899 and 780 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 546—An Act making an appropriation for the purchase and acquisition of lands for the University of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 546 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 668—An Act to provide for the extension of the light, heating, power water and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 671—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making appropriations therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and that they be re-referred to the Committee on Finance.

STETSON, Chairman.

Senate Bills Nos. 668 and 671 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

STETSON, Chairman.

Senate Bill No. 820 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Senate Bill No. 754 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventh class.

Also: Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Also: Senate Bill No. 961—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 944, 960, and 961 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 957—An Act to amend section four thousand and five of the Political Code of the State of California, relating to population of counties.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Senate Bills Nos. 957, 958, and 959 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps or seines in the bay of San Diego, or in the entrance thereto"—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Senate Bill No. 969 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 725—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 725 ordered on file for second reading.

RESOLUTION.

The following resolution was offered:

By Senator Walker:

Resolved, That the name of Thomas Connell, as Messenger to State Printer, at a per diem of \$3.00 per day, be stricken from the roll of attachés of the Senate, and that of J. A. Cottle be substituted in place thereof, at the same per diem, the same to take effect February 14th.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Stetson, Thompson, Walker, Willis, and Wright—22.

NOES—None.

Whereupon the President of the Senate ordered the substitution made, and declared the above-named person had been elected.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Willis: Senate Bill No. 1157—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered one thousand four hundred sixty-five and one half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1158—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1159—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1160—An Act to amend Section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1161—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 1162—An Act to prohibit State, county and municipal employees and officials holding office by appointment from participation in partisan politics.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1163—An Act creating a State Highway Commission, prescribing its duties, and providing for their compensation.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 1164—An Act making an appropriation to pay the claim of Charles Grimes against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1165—An Act concerning actions for divorce and annulment of marriage and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Reily: Senate Bill No. 1166—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 301½, relating to theaters and shows, upon Sunday, the first day of the week.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1167—An Act appropriating money to pay the claim of S. B. Summer against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Estudillo: Senate Bill No. 1168—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1169—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Bill read first time, and referred to Committee on County Government.

By Senator Price: Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1172—An Act making an appropriation to pay the claim of Sonoma County against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hurd: Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such

improvements, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Hare: Senate Bill No. 1175—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Senate Bill No. 1176—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Martinelli: Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Welch (by request): Senate Bill No. 1180—To prevent the giving or offering to give or acceptance from any fire insurance company, agent, or representative, by any person, of any rebate, allowance, or reduction from any premium of fire insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 1181—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 1182—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans, and estimates for a suspension or other bridge across the Straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

Bill read first time, and referred to Committee on Finance.

By Senator Burnett: Senate Bill No. 1183—An Act to add a new section to the Code of Civil Procedure, to be known as Section 455*a*, relating to the pleading of written instruments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1184—An Act to amend Section 1496 of the

Code of Civil Procedure, relating to presentation, allowance, and rejection of claims against the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1185—An Act to license the use of unsold tide lands of the State for oyster cultivation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutten: Senate Bill No. 1186—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Concurrent Resolution No. 11 - Relative to appointment of a President Lincoln Monument Commission.

Senate concurrent resolution referred to Committee on Education.

Also: Senate Constitutional Amendment No. 48—Proposed amendment to Article XI of the Constitution, relative to county support of indigent veteran soldiers, sailors and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one-fifth of a mill therefor.

Senate constitutional amendment referred to Committee on Military Affairs.

Also: Senate Bill No. 1187—An Act appropriating money to pay the claim of John P. Hare against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Thompson: Senate Bill No. 1188—An Act to amend Section 1662 of the Political Code of the State of California, relating to the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1189—An Act to amend Section 1617 of the Political Code of the State of California, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 1192—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education,

reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 1193—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, by adding thereto a new section, to be numbered Section 101½.

Bill read first time, and referred to Committee on Irrigation.

By Senator Curtin: Senate Bill No. 1194—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Boynton: Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to the person or persons to whom letters testamentary on proved will may be issued.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator Walker (by request): Senate Bill No. 1200—An Act to add a new section to the Political Code of the State of California, to be numbered 3085, authorizing the use of burial permits issued by the authorities of one county in a county next adjoining the county in which said burial permit is issued.

Bill read first time, and referred to Committee on County Government.

By Senator Leavitt: Senate Bill No. 1201—An Act for the regulation and control of fraternal benefit societies.

Bill read first time, and referred to Committee on Corporations.

By Senator Bates: Senate Bill No. 1202—An Act to amend Section 622a of the Political Code, relating to taxes on insurance premiums.

Bill read first time, and referred to Committee on Corporations.

By Senator Bills: Senate Bill No. 1203—An Act appropriating the sum of five thousand (\$5,000.00) for the purpose of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1205—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 1206—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 1208—An Act to amend an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the land within said drainage district."

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 1209—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown jetties, making an appropriation therefor and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Committee on Public Buildings and Grounds: Senate Bill No. 1210—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read first time, and ordered on file without reference to committee.

By Senator Stetson: Senate Constitutional Amendment No. 49—Proposed amendment to Article 9 of the Constitution, relative to the University of California.

Senate constitutional amendment referred to Committee on Education.

Also: Senate Bill No. 1211—An Act relative to estray, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Lewis: Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

Bill read first time, and referred to Committee on County Government.

By Senator Caminetti: Senate Constitutional Amendment No. 50—Proposed amendment to Article XI of the Constitution, relative to county charters.

Senate constitutional amendment referred to Committee on County Government.

Also: Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1216—An Act conferring certain powers on

the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect.

Bill read first time, and referred to Committee on Corporations.

By Senator McCartney: Senate Bill No. 1217—An Act to amend section seven hundred and thirty-nine of the Political Code of the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 1218—An Act to promote education in literature, music, and the fine arts, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wright:

Resolved, That Senate Bill No. 1041 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Stetson, Strobridge, Thompson, Walker, Welch, Willis, and Wright—24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and fifty minutes A. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-two minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wright.

The roll of absentees was called.

Whereupon the President announced that Section 15 of Article IV of the Constitution had been suspended and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Stetson, Strobridge, Thompson, Walker, Welch, Willis, and Wright—26.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1041—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905. Statutes of 1905, page 777 thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1041 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Estudillo, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Stetson, Strobridge, Thompson, Walker, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Leavitt moved that at twelve o'clock M. the Senate suspend proceedings and remain silent for the space of five minutes, in honor to the memory of Abraham Lincoln, to-day being the hundredth anniversary of his birth.

The motion was duly seconded by Senator Willis.

Motion unanimously carried.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Price, the second reading file of Assembly bills was taken up.

Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the word "seven", and insert in lieu thereof the following: "six".

Amendment adopted.

Also:

On page 1, Section 2, line 2, strike out the words "two additional judges", and insert in lieu thereof the following: "one additional judge".

Amendment adopted.

Also:

On page 1, Section 2, line 5, strike out the word "twelve", and insert in lieu thereof the following: "eleven".

Amendment adopted.

Also:

On page 1, Section 2, line 5, strike out the words "two judges", and insert in lieu thereof the following: "one judge".

Amendment adopted.

Also:

On page 1, Section 3, line 1, strike out the words "two additional judges", and insert in lieu thereof the following: "one additional judge".

Amendment adopted.

And:

On page 1, Section 4, lines 1 and 2, strike out the words "from and after its passage".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and cost in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand or over, to appoint a secretary."

During second reading of bill, the following amendments were submitted by committee:

On page 1 of title, line three, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

Insert after the enacting clause the following:

SECTION 1. Section one of "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over to appoint a secretary," approved March 25, 1895, is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

SUSPENSION OF PROCEEDINGS.

At twelve o'clock M., the President, in accordance with the motion of Senator Leavitt, previously adopted, declared a suspension of proceedings of the Senate for the space of five minutes.

RESUMPTION OF PROCEEDINGS.

At twelve o'clock and five minutes the President declared proceedings of the Senate resumed.

SECOND READING OF SENATE BILLS.

On motion of Senator Price, the second-reading file of Senate bills was taken up.

Senate Bill No. 300.—An Act to amend an Act entitled "An Act to provide for the establishment and granting of title to real property in case of the loss or destruction of public records," approved June 10, 1906.

Senate Bill No. 300 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 245.—An Act to provide for the incorporation of municipal corporations.

On motion of Senator McCortney, Senate Bill No. 245 was temporarily passed on file, to retain its place.

Senate Bill No. 450.—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 846.—An Act providing for vacations for certain employees of the State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 372.—An Act to amend Section 758 of the Political Code of California, relating to salaries of the clerks of District Courts of Appeal.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 225.—An Act authorizing certain suits against the State and regulating the procedure thereon.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out "Section 2."

Amendment adopted.

Also:

On page 1, renumber "Section 2," so that the same shall be "Section 1."

Amendment adopted.

Also:

On page 2, strike out Sections 4, 5, 6, and 7.

Amendment adopted.

Also:

On page 3, Section 1, line 7, strike out the words "and paid with the same," and insert in lieu thereof the following: "on the same manner."

Amendment adopted.

And:

On page 1, after the last word on line 8, insert the following: "at the time of noting the complaint in said action the plaintiff must pay into the treasury of the county where said action is commenced all the taxes unpaid upon any and all assessments previously levied against the property described in the complaint, and the complaint must show the payments thereof, and no part of the moneys so paid shall be recovered by the plaintiff in said action."

Amendment adopted.

Bill read second time, and ordered to print engrossment and third reading.

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 359½, providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, after the word "demand", insert the word "upon".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 630—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.'"

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 630.

An Act to regulate the issue of bonds of school districts in cities of the fifth class and school districts partly within and partly without such cities of the fifth class.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of any school district in a city of the fifth class, or of any school district which embraces territory, a portion of which is within and a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must when requested by the board of trustees of such city, call an election, and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

SEC. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices in some newspaper published in such city, not less than once a week for three successive weeks.

SEC. 3. Such notices must contain:

1. The time and place of holding such election.
2. The names of one inspector and two judges in each voting precinct in said district, to conduct the same.
3. The hours during the day, not less than six hours, in which the polls will be open.

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

SEC. 4. Such election shall be held, in all respects as nearly as practicable, in conformity with the general election law; *provided*, that no particular form of

ballot shall be required, excepting that the words to appear on the ballots, which shall be "Bonds—Yes," or "Bonds—No"; nor shall any informalities, not amounting to fraud in conducting such election, invalidate the same.

SEC. 5. On the seventh day after said election, at one o'clock P. M., the returns having been made to the board of education, the board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which said district is located, the proceedings had in the premises; and thereupon said board of supervisors must be, and they are hereby, authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment of the property in such school district.

SEC. 6. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

SEC. 7. Said bonds must be payable in gold coin of the United States, must be signed by the president of the board of supervisors, and countersigned by the clerk of the county, who must affix the county seal thereto; must not bear a greater rate of interest than eight per cent, said interest to be payable semi-annually in like gold coin; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, in gold coin of the United States, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn out.

SEC. 8. The county board of supervisors shall annually, at the time of levying taxes for county purposes, levy a tax upon the taxable property within such district, sufficient to pay the annual interest on such bonds and to pay the principal in equal annual installments. But the order directing the issue of bonds may prescribe that the payment of the principal may be deferred for not more than five years. All moneys so collected shall be paid into the county treasury and used for the payment of interest and principal of such bonds, and for no other purpose. The county auditor shall issue his warrant for the payment of interest and installments, and cancel all coupons and bonds redeemed and file them with the county treasurer. The provisions of this section shall, so far as applicable, govern any bonds that may have been heretofore issued by such school districts.

SEC. 9. If payment of any coupon or bond lawfully issued by any such school district should, after presentation and demand of payment at the office of the county treasurer, be refused, the owner may file such bond, together with all unpaid interest coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, at each annual equalization thereafter, add to the State tax so levied in said district a sufficient rate to raise the amount of principal and interest past due prior to the next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the treasurer of the county in which is situated the district by which such bonds were issued, and shall be placed by the county treasurer to the credit of the general school fund of said district.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 4, line 14, strike out the words "Board of Education", and insert in lieu thereof the following: "Superintendent of Public Instruction".

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "fourth", and insert in lieu thereof the following: "third".

Amendment adopted.

Also:

On page 1, Section 1, line 3, insert after "California" the words "of the fourth fifth and sixth class not having a freeholders' charter."

Amendment adopted.

Also:

On page 4, Section 7, line 12, strike out the words after "provided" up to and including the word "classes", on line 15, same section.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 903—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants, and prescribing their powers and duties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out all of the title to said Act, and insert in lieu thereof the following: "An Act to regulate and license the hunting of wild birds and animals and the fishing for and catching with hook and line of protected fish, and to provide revenue therefrom, for game and fish preservation and restoration."

Amendment adopted.

Also:

Page 1, line 1, after the word and figure "Section 1.", strike out all of said section and insert in lieu thereof the following: "Except as provided in Section 10 hereof, every person in the State of California, who hunts, pursues or kills any of the wild birds or animals, excepting predatory birds or animals, or fishes any or catches with hook and line any of the protected fish of this State, without first procuring a license therefor, as provided in this Act, is guilty of a misdemeanor."

Amendment adopted.

Also:

Page 1, Section 2, lines 2 and 3, strike out the parenthetical marks and the words "excepting commercial fish", and strike out in lines 3 and 4 the words "during the open season as fixed by law", and in lieu of the latter insert the following: "any of the protected fish of this State".

Amendment adopted.

Also:

Page 3, Section 5, line 3, strike out the word "game" and insert the word "wild".

Amendment adopted.

Also:

Page 3, Section 5, line 3, after the word and comma "animal," insert the following: "excepting predatory birds and animals."

Amendment adopted.

Also:

Page 3, Section 5, line 6, after the word "expiration" insert the following: "written or".

Amendment adopted.

And:

On page 3, Section 10, after the word "year" strike out the comma and all the balance of the section and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, after the word "roe", insert the following: "or steelhead roe".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 904—To amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such Penal Code two new sections to be numbered Section 626*n* and Section 626*o*, relating to the protection and preservation of game and fish.

On motion of Senator Willis, Senate Bill No. 904 was temporarily passed on file, to retain its place.

Senate Bill No. 763—An Act to amend Section 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, after the word "who" insert the following: "between the first day of May and the first day of August, of any year, takes, catches, kills or has in his possession any shrimp; or who".

Amendment adopted.

Also:

On page 2, Section 1, line 21, after the word "abalone" insert the following: "except the abalone known to commerce as the red abalone (*Haliotis rufescens*), which shall measure not less than seventeen inches around the outer edge of the shell".

Amendment adopted.

And:

On page 2, Section 2, line 4, after the word "possession" strike out the words "for sale".

Amendment adopted.

Also:

Offered by Senator Willis:

On page 2, Section 1, line 22, after the word "misdemeanor" insert the following: "provided, that it shall at all times be lawful for any person or persons, to buy, sell

or have in his possession any lobster or crawfish of the size prescribed by this section, caught or taken without the waters of this State, and bearing, after inspection, such evidence of having been so caught or taken as shall be hereafter prescribed by the California Fish Commission, *and provided further*, that the expense of such inspection shall be borne by the person or persons importing such lobster or crawfish”.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said Section.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, after the word “follows,” insert the following:

4267. In counties of the thirty-eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand seven hundred dollars per annum; *and provided*, that in each year when a new registration is required, he shall receive in addition to his salary the sum of ten (10) cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county.

2. The sheriff, five thousand per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of three thousand dollars in any one year.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above two thousand five hundred of such statements, and not to exceed in all six deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period of not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expense shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and be paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make and correct all necessary plats, maps, and block books for the assessor's office, and all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings:

provided, however, that when in the judgment of the board of supervisors of the county, on the representations of the county surveyor, it is necessary to employ additional assistance for the performance of said work, the board of supervisors shall allow the necessary and actual expense therefor: *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred: Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class: *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors, and paid out of the county treasury: *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, both going and returning, outside of his own county, at the rate of ten cents per mile.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall not as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners: *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

16. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Amendment adopted.

Also:

On page 1, line 4, strike out the words and figures "Section 4267.—Subdivision 17:" and insert in lieu thereof the following: "17".

Amendment adopted.

And:

On page 2, strike out all of "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271a, authorizing board of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

During second reading of bill, the following amendments were submitted by committee:

In line 2 of the title strike out the figures "4271", and insert in lieu thereof "4271a".

Amendment adopted.

And:

In line 3 of the title strike out the word "board", and insert in lieu thereof the word "boards".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, of the printed bill, strike out the following: "salaries and fees of officers of".

Amendment adopted.

And:

On page 3, line 59, strike out the word "the" immediately preceding the word road.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

Page 1, printed bill, on line 4, after the word "sex" insert the word "occupation".

Amendment adopted.

Also:

Page 2, printed bill, in Section 2, line 3, strike out the word "section" and insert in lieu thereof the word "act".

Amendment adopted.

Also:

Page 2, printed bill, in line 4, Section 2, after the word "misdemeanor" strike out the balance of said line 4, also all of lines 4, 5, 6, 7, 8, and 9.

Amendment adopted.

Also:

Page 2, printed bill, Section 3, lines 1 and 2, after the second word "the" strike out the words "commissioner of insurance", and insert in lieu thereof the words "Insurance Commissioner".

Amendment adopted.

And:

Page 2, printed bill, Section 3, line 7, strike out the words "certificate of authority" and insert in lieu thereof the word "license".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 731—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

During second reading of bill, the following amendments were submitted by committee:

On page 1, printed bill, in line 3, after first word "or" insert the following: "any special contract".

Amendment adopted.

And:

On page 1, printed bill, line 7, after the word "misdemeanor" strike out the balance of line 7; all of line 8; all of line 9, and the words "the court" on line 10.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out all of Section 1, and insert in lieu thereof the following:

"SECTION 1. No officer or director of any life insurance company doing business in this State shall make any misrepresentation to any person insured in another company for the purpose of inducing or intending to induce such person to lapse, forfeit or surrender his said insurance. Any violation of this section shall constitute a misdemeanor. Upon proof to the insurance commission of the conviction of any officer or director of any life insurance company doing business in this State for a violation of this section it shall be the duty of the insurance commission to suspend the certificate of authority of said life insurance company until the penalty imposed shall be fully satisfied.

Amendment adopted.

And:

On page 2, strike out all of Section 2, and insert in lieu thereof the following:

SECTION 2. No agent of a life insurance company doing business in this State shall make any misrepresentation to any person insured in another company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance. Any violation of this section shall constitute a misdemeanor. Upon proof to the insurance commission of the conviction of any agent of any life insurance company doing business in this State for a violation of this section it shall be the duty of the Insurance Commissioner to suspend the license issued to said agent by said insurance commission for a period of six (6) months, and no license shall be issued to said agent for service with any other life insurance company during said period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Constitution of the State of California by amending section six of article four thereof, relating to senatorial and legislative districts.

Senate constitutional amendment referred to Committee on Elections and Election Laws.

Also: Senate Concurrent Resolution No. 12—Relative to the acting Railroad Commissioners of the State of California and their removal from office.

Senate concurrent resolution referred to Committee on Corporations.

By Senator Bills: Senate Bill No. 1221—An Act to amend Sections 3493*m* and 3493*n* of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable watercourse, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article II*a*.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also (by request): Senate Bill No. 1222—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 869*a* thereof, relating to the continuance in force of attachments in Justices' Courts pending appeal.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 1223—An Act to forbid the collection of witness fees by public officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Holohan: Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Thompson: Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Wright: Senate Bill No. 1226—An Act to amend Section 1192 of the Political Code of the State of California, relating to certificates of nomination.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 1227—An Act to amend Section 2545 of the Political Code of the State of California, relative to qualifications of officers.

Bill read first time, and referred to Committee on Elections and Election Laws.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned until Monday, February 15, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, February 15, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in
the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 12, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator H. W. Lynch, of San Luis Obispo.

Also:

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator C. W. Pendleton, of Los Angeles.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mayor A. C. Harper, of Los Angeles, and Mr. Isador Dockweiler, of Los Angeles.

QUESTION OF PERSONAL PRIVILEGE.

Senator Savage rose to a question of personal privilege and spoke as follows:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE. For the past three years I have been hounded, vilified and cartooned by that blackmailing sheet known as the Los Angeles Times. When my wife was lying on her dying bed that corrupt and vile sheet was abusing me because I refused to consent to the consolidation of San Pedro with the city of Los Angeles. I have always favored consolidation upon a reasonable and equitable basis, but not on the basis suggested by a few disgruntled men in the city of Los Angeles, which was unfair, unjust, and un-American.

In the issue of that vile sheet of February 10, 1909, I was cartooned as an Indian held by two check lines in the hands of one of the officers of the Southern Pacific Railroad Company. In reply to that cartoon, I want to exhibit a cartoon of the Times appearing in the Los Angeles Express on February 10, 1909, which was as follows:

"The Bezzard Times stands for corruption, fraud, lies, vice, deceit, booze, counterfeiting, and forgery." That is the character of the contemptible puppies Harry Chandler, manager of the Times, and Harry Andrews, its editor. They stand for corruption, fraud, lies, vice of all kinds, deceit, booze, opium, counterfeiting, and

forgery. They are so low and degraded that decent people will not associate with either of them. They are so vile, filthy and contemptible, that people shun them on the street, and will not mix in society with them. Harry Chandler and Harry Andrews, you are contemptible, lying cowards of the lowest type and unworthy of the respect of any decent man. My address at the present time is rooms 21 and 22, Colonial Hotel, Sacramento, where I can be found at any time during the session of the Legislature. I defy you to call or send your friend. After the adjournment of the Legislature my address will be San Pedro, Los Angeles County, Cal.

I have also been cartooned in the Los Angeles Herald as an Indian, claiming to be under the influence of the Southern Pacific Company. You will remember that this would-be editor, T. E. Gibbon, a pettifogging lawyer, was the attorney for the Salt Lake Railroad Company, and while in that capacity he sold its secrets and robbed the company by charging excessive prices for land which he purchased for the right of way for the company. That pettifogger was a stockholder and attorney for the City Bank of Los Angeles, and while acting in that capacity he placed his unsecured note for thousands of dollars in the bank, received the money therefor, but never redeemed his note. At that time the bank was insolvent. In 1889 the bank was placed in the hands of a receiver, and the Gibbon note was sold at auction for the sum of forty dollars, and was purchased by a school teacher. She presented the note to Gibbon for payment, but to pay the same or any part thereof he refused. She commenced suit in the courts of Los Angeles, but he plead the statute of limitation and refused to pay an honest debt, and defrauded the poor school teacher of her honest investment, as well as defrauding the depositors of the bank of which he was a trusted officer. That is the character of this contemptible liar, T. E. Gibbon, a man without honor or respect, a notorious falsifier, and a villainous coward. My address is the same as that above indicated for your chums and playmates, Chandler and Andrews.

I am your superior in every instance.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

PETITION.

The following petition was presented by Senator Roseberry, and ordered printed in the Journal:

To the Honorable L. H. ROSEBERRY, State Senator for the Thirty-third Senatorial District, State of California.

We, the undersigned electors of the Thirty-third Senatorial District of the State of California, do most earnestly solicit your vigorous and enthusiastic support of the "Local Option" bill, now pending before the Legislature of the State of California, which will restore again to the people of the several districts the right of self-government. We consider this to be true Americanism, and it should have the unqualified support of every representative of the people.

E. A. Duval, C. N. Kimball, H. E. Pesk, L. R. Kohl, B. T. Williams, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Assembly Bill No. 238—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 106 read first time, and ordered referred to Committee on Judiciary.

Assembly Bill No. 238 read first time, and ordered referred to Committee on Education

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

Also: Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Also: Assembly Bill No. 585—An Act to amend Section 4234 of the Political Code, relating to salaries and fees of officers of counties of the fifth class.

Also: Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 56 read first time, and ordered referred to Committee on Finance.

Assembly Bill No. 167 read first time, and ordered referred to Committee on Military Affairs.

Assembly Bill No. 249 read first time, and ordered referred to Committee on Finance.

Assembly Bill No. 585 read first time, and ordered referred to Committee on County Government.

Assembly Bill No. 657 read first time, and ordered referred to Committee on Finance.

Assembly Bill No. 831 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 229—An Act to amend Section 637a of the Penal Code of the State of California, relating to the protection and preservation of birds.

Also: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Also: Adopted Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of Article I thereof, relating to the right of the people to fish.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 229 read first time, and ordered referred to Committee on Fish and Game.

Senate Bill No. 51 ordered to enrollment.

Assembly Constitutional Amendment No. 14 ordered referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day has appointed Assemblymen Sackett, Polsley, and Bennett as a Committee of Conference on behalf of the Assembly to meet a like committee from the

Senate to confer upon Senate amendments to Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wolfe:

Resolved, That a special committee of three Senators be appointed by the President of the Senate, to be known as "Committee on Introduction of Bills." All bills offered by Senators shall, before the Constitution is suspended for the purpose of introduction, be referred to said committee.

Resolution read and adopted.

Also:

By Senator Lewis:

Resolved, That the name of H. T. Ellis be, and the same is hereby, dropped from the roll of the Senate as Assistant Enrolling and Engrossing Clerk, at the salary of \$5 per day, and that S. B. Axtell be, and he is hereby, elected to the said position at the said salary.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—23.

NOES—None.

Whereupon the President of the Senate ordered the substitution made, and declared the above-named person had been elected.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Assembly Bill No. 123—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 170c, relating to the support of indigent parents.

Also: Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Also: Senate Bill No. 563—An Act to amend an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce, and all classes of business in this State," approved March 23, 1907.

Also: Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Also: Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one and two hundred and seventy-one a of the Penal Code of the State of California, all relating to crimes against children.

Also: Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code,

relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 709 and 710 ordered on file for second reading.

Assembly Bill No. 123, ordered on file for second reading.

Senate Bills Nos. 816, 563, 336, and 337 ordered on file for second reading.

Assembly Bills Nos. 8 and 31 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLII, Section 9 of the Constitution, relative to the compensation of officers and the extension of the term of officers—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted as amended.

WILLIS, Chairman.

Assembly Constitutional Amendment No. 13, ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 692—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864 and providing for the redemption of said coupons.

Also: Senate Bill No. 693—An Act authorizing the payment into the general fund of the State treasury of money held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to the Committee on Finance.

WILLIS, Chairman.

Senate Bills Nos. 692 and 693 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 722—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Also: Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No. 574—An Act to add a new section to the Political Code, to be numbered Section 10526, relating to the disposition of property of the counties.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 722, 970, 967, and 574 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 817—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bill No. 817 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bill No. 817—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Senate Bill No. 817, withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 550—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345, relating to concealing the actual rate of interest for the use of money—have had the same under consideration, and respectfully report the same back, amended, without recommendation.

WILLIS, Chairman.

Senate Bill No. 550 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

Also: Senate Bill No. 572—An Act to amend Section 758 of the Political Code of California, relating to salaries of the clerk of District Court of Appeal.

Also: Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered Section 633, relating to the protection and preservation of golden trout.

Also: Senate Bill No. 903—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants and prescribing their powers and duties.

Also: Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which fute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

Also: Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637c, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Also: Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof.

Also: Senate Bill No. 64—An Act to amend Section 626f of the Penal Code, relating to the protection of deer.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight e, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 650, 843, 572, 701, 829, and 903 ordered on file for third reading.

Committee substitutes for Senate Bills Nos. 600, 44, and 558 ordered on file for third reading.

Senate Bills Nos. 64 and 137, ordered on file for third reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Senate Bills Nos. 809, 983, and 1002 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 625—An Act to amend an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collaterals, inheritances, bequests, and devises to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

McCARTNEY, Chairman.

Senate Bill No. 625 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BATES, Chairman.

Senate Bill No. 781 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 948—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works or protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BATES, Chairman.

Senate Bills Nos. 948 and 706 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bates asked for and was granted unanimous consent to take up Senate Bill No. 706 out of order for the purpose of amendment.

Senate Bill No. 706—An Act to establish a standard form of fire

insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

During second reading of bill, the following amendments were submitted by committee:

On line 16, page 1, printed bill, strike out the word "direct".

Amendment adopted.

Also:

On page 4, lines 99 and 100, printed bill, strike out the words "when it ceases to be operated for more than", and insert in lieu thereof the words "while it ceases to be operated beyond the period of".

Amendment adopted.

Also:

On page 4, line 112, printed bill, strike out the words "and so remains for ten (10) days", and insert in lieu thereof, the words "beyond the period of ten (10) consecutive days."

Amendment adopted.

Also:

On page 4, line 120, printed bill, after the word "premium," insert the words "nor affect the respective rights of cancellation."

Amendment adopted.

Also:

On page 5, line 150, printed bill, after the words "policy" insert the words "or relinquishment of liability thereunder."

Amendment adopted.

Also:

On page 5, line 157, after the word "order," insert the words "and without unnecessary delay".

Amendment adopted.

Also:

On page 6, line 187, printed bill, strike out the word "possible", and insert in lieu thereof the word "practicable".

Amendment adopted.

Also:

On page 9, Section 2, in line 2 of printed bill, strike out the words "so that the same can be readily seen", and insert in lieu thereof the words "in type not smaller than small pica".

Amendment adopted.

Also:

On page 10, Section 4, in line 3 of printed bill, after the word "pica," insert the words "or specified in the policy."

Amendment adopted.

Also:

On page 10, Section 4, in line 3 of printed bill, after the word "pica," insert the words "and the lines of the policy shall be numbered consecutively."

Amendment adopted.

Also:

On page 10, Section 5, in line 8 of printed bill, after the word "therefrom" strike out all the remaining part of said section.

Amendment adopted.

Also:

On page 11, Section 8, in line 1 of printed bill, after the word "No" strike out the words "contract shall be made", and insert in lieu thereof the words "clause shall be inserted".

Also:

On page 11, printed bill, strike out all of Section 10, and insert in lieu thereof the following:

"SEC. 10. Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than pica imposing specified duties and obligations upon the insured and limiting the liability of the insurer".

Amendment adopted.

And:

On page 11, Section 12, printed bill, in line 4, after the word "misdemeanor," insert the words "but any policy so issued shall notwithstanding be binding upon the company issuing the same."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read: .

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the board of harbor commissioners of the port of Eureka—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to the Committee on Finance.

WRIGHT, Chairman.

Senate Bill No. 641 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River; and the reclamation of adjacent overflowed lands: for irrigation; and the conservation of water.

Also: Senate Bill No. 291—An Act granting to the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pier head line of San Diego harbor, as said lines are now established, or as they may be hereafter established.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WRIGHT, Chairman.

Assembly Joint Resolution No. 1 ordered on file.

Senate Bill No. 291 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 444—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro. (Approved March 19, 1889.)

Also: Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901," approved March 18, 1905."

Also: Senate Bill No. 537—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the Board of State Harbor Commissioners.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WRIGHT, Chairman.

Senate Bills Nos. 444, 535, and 537 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—(THIRD READING OF SENATE BILLS).

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 513—An Act to amend Section 290*a* of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Senate Bill No. 513 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California, entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.' " approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases *ex officio* officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bills Nos. 261 and 262.

Senate Bill No. 261—An Act to amend an Act entitled "An Act providing for the extermination of the *boophilus annulatus* tick, defining certain crimes and providing for certain civil and criminal actions."

approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Senate Bill No. 262—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Senate Bills Nos. 261 and 262, withdrawn and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Miller, as a special committee of one, to amend as follows:

By striking out of Section 1, line 9, the word "five", and insert in lieu thereof the word "two".

Also:

By inserting in line 3, Section 4, page 2, printed bill, after the word "embalming" the word "undertaking."

Also:

By striking out of Section 3, line 3, page 2, printed bill, the word "three", and inserting in lieu thereof the word "two".

Also:

By striking out of Section 3, line 4, page 2, printed bill, the word "three", and inserting in lieu thereof the word "two".

Also:

By inserting a new section as Section 11, as follows:

"Sec. 11. All persons licensed under this Act shall adhere strictly to the laws of the State Board of Health in matters of filing certificates of death."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 34, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric, motor, and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

MOTION.

Senator Curtin moved that Senate Bill No. 812 be substituted on file for Senate Bill No. 266.

Motion carried.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright as a special committee of one to amend, as follows:

By striking out of Section 1, line 12, the word "or".

Also:

After the word "mother", in line 12, insert the words "or adopted child or children".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 812, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

On motion of Senator Wolfe, Senate Bill No. 232 was temporarily passed on file, to retain its place.

Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees, or servants, and providing a penalty for the violation thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator McCartney moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCartney.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 118 was refused passage by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Lewis, McCartney, Miller, Thompson, Walker, Willis, Wolfe, and Wright—20.

NOES—Senators Burnett, Leavitt, Roseberry, Savage, and Weed.—5.

NOTICE OF MOTION TO RECONSIDER.

Senator Weed gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 118 was this day refused passage.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. H. T. Power, of Placer County.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

On motion of Senator Sanford, Senate Bill No. 684 was temporarily passed on file, to retain its place.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

On motion of Senator Sanford, Senate Bill No. 514 was temporarily passed on file, to retain its place.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weed moved to refer to Senator Black, as a special committee of one, to amend as follows:

By adding after Section 16 the following: "17. Grand jurors, or trial jurors in criminal cases in the Superior Court shall receive as compensation for each day's attendance, per day two dollars and fifty cents; and for each mile actually traveled, in attending court as a grand juror, or juror at a criminal case, in the Superior Court in going only, per mile fifteen cents. The county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 648, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 729 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of Indian Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Senate Bill No. 226 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities

and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

Senate Bill No. 212 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

On motion of Senator Miller, Senate Bill No. 353 was temporarily passed on file, to retain its place.

Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the County Board of Education.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 354 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency, or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Read third time

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Walker, as a special committee of one, to amend as follows:

By striking out the title, "An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public

agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation," and inserting in lieu thereof the following title:

"An Act authorizing and empowering Reclamation District No. 791 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation, joint levees or other joint works of reclamation."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 652, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Walker, as a special committee of one, to amend as follows:

By striking out of the title, line 2 thereof, the word "Paid", and inserting in lieu thereof the word "made".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 654, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article 13 of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation,

and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.

On motion of Senator Curtin, Senate Constitutional Amendment No. 11 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

Senate Bill No. 507 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

Senate Bill No. 647: Amend title by striking out on line 2 the words "three thousand six hundred eighty."

Also:

Strike out all of Section 1.

Also:

On page 2, Section 2, line 1, strike out the word and figure "Sec. 2." and insert the word and figure "Sec. 1."

Also:

On page 5, Section 3, line 1, strike out the figure "3." and insert the figure "2".

Also:

Page 5, Section 4, line 1, strike out the figure "4." and insert the figure "3".

Also:

Page 6, Section 5, line 1, strike out the figure "5." and insert the figure "4".

Also:

On page 6, Section 6, line 1, strike out the figure "6." and insert the figure "5".

And:

On page 6, Section 7, line 1, strike out the figure "7." and insert the figure "6".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 647, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 482—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator McCartney, as a special committee of one, to amend as follows:

By striking out of Section 9, line 14, the word "five", and inserting in lieu thereof the following: "two".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 680, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCartney, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Committee Substitute for Senate Bill No. 600 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 805—An Act to amend Section 602 of the Political Code of the State of California, relating to willful trespass.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 805 passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—Senators Anthony, Burnett, Campbell, and Rush—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 690—An Act to amend Section 264 of the Political Code, relative to the punishment of rape.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 690 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Burnett, Campbell, Cartwright, Curtin, Cutton, Holohan, Lewis, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes p. m., the Acting President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the Joint Board of State Normal School Trustees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

During second reading of bill, the following amendments were submitted by committee:

On page 4, Section 1, line 130, of the printed bill, after the word "claimant", insert the following: "and make a proper record thereof, and charge against the particular fund of the particular district against which such demand was allowed:"

Amendment adopted.

Also:

On page 5, Section 1, of the printed bill, strike out all of lines 152 to 162, both inclusive, and insert in lieu thereof the following: "Seventh. He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary, or grammar school, kindergarten-primary, and special certificates granted by county boards of education of California, or to persons who are graduates of colleges, normal schools, or universities, and who hold valid certificates issued outside of California, when, in the judgment of the superintendent, such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California, which temporary certificate, when issued between July first and December thirtieth shall expire on January first following; and when issued between January first and June twenty-ninth shall expire on July first following; *provided further*, that he shall have power to issue temporary elementary certificates, valid for two years, to graduates of the University of California and to graduates of the Leland Stanford Junior University; and *provided further*, that no person shall be entitled to receive a temporary certificate more than once in the same county."

Amendment adopted.

And:

On page 6, add the following: "Eighth. To appoint a school census marshal in any district if the board of trustees or board of education therefor fail to appoint a census marshal within the time fixed by law."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 140—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutton, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Thompson, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 33—An Act to amend Section 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34—An Act to amend Section 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 34 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Cutton, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—Senators Caminetti and Holohan—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

On motion of Senator Willis, Assembly Bill No. 42 was temporarily passed on file, to retain its place.

Assembly Bill No. 246—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 246 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 295—An Act to add a new section to the Political Code, to be numbered 4250a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the twenty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

Read third time.

On motion of Senator Bates, Assembly Bill No. 186 was temporarily passed on file, to retain its place.

Assembly Bill No. 174—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and cost in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 174 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 175—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto, to be known and numbered as section one and one half.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 235 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS.

Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Senate Bill No. 554 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Senate Bill No. 555 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Senate Bill No. 556 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 678 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 183—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 183 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 778—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of Statutes and Journals, and reports of State officers and Journals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

On motion of Senator Black, Senate Bill No. 115 was temporarily passed on file, to retain its place.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 632 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

On motion of Senator Wolfe, Senate Bill No. 194 was temporarily passed on file, to retain its place.

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

Senate Bill No. 462 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Senate Bill No. 588 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 711—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

On motion of Senator Leavitt, Senate Bill No. 711 was temporarily passed on file, to retain its place.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

On motion of Senator Burnett, Senate Bill No. 659 was temporarily passed on file, to retain its place.

Senate Bill No. 565—An Act fixing, establishing, and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 799 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 800 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Holohan, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Senate Bill No. 819 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of the tax deeds for property sold for delinquent taxes.

On motion of Senator Miller, Senate Bill No. 838 was temporarily passed on file, to retain its place.

Senate Bill No. 839—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

On motion of Senator Miller, Senate Bill No. 839 was temporarily passed on file, to retain its place.

LEAVES OF ABSENCE.

Senator Strobbridge was, on motion of Senator Stetson, granted leave of absence for this day.

Also:

Senator Estudillo was, on motion of Senator Willis, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Leslie R. Hewitt of Los Angeles.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Roderick W. Dallas of Coalinga.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 501—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Senate Bill No. 501 was temporarily passed on file, in the absence of the author, to retain its place.

ADJOURNMENT.

At three o'clock and five minutes p. m., on motion of Senator Wolfe, the Acting President declared the Senate adjourned..

IN SENATE.

SENATE CHAMBER.

Tuesday, February 16, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCarney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain of the Assembly, Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 15, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. Father Byrnes, of Napa.

Also:

On request of Senator Bates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Henry P. Dalton, of Alameda County.

Also:

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James M. Hanly, of San Francisco.

Also:

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Mayor Henry T. Hazard, of Los Angeles.

Also:

On request of Senator Leavitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Perry Haylin, of Alameda County.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Colonel H. G. W. Dinkelspiel, of San Francisco.

Also:

On request of Senator Price, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Assemblyman H. W. A. Weske, of Sonoma County.

Also:

On request of Senator Strobbridge, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Bridge and Jasper, of Alameda County.

Also:

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. H. A. Jastro, of Bakersfield.

Also:

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator Clifford Coggins, of Siskiyou County.

Also:

On request of Senator Savage, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to General W. H. H. Hart, of San Francisco.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Senator C. M. Belshaw, of Contra Costa County.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of Committee on Finance in relation to a resolution relating to cost of production and price of products in California:

SENATE CHAMBER, SACRAMENTO, February 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred the following resolution:

WHEREAS, The cost of living in California has for many years gradually and steadily increased, until the payment of the actual necessities of life has become a burden and just cause for complaint; and

WHEREAS, The anti-trust law passed at the thirty-seventh session of the Legislature of the State of California has not been productive of any appreciable results so far as a reduction in the cost of living is concerned; and

WHEREAS, Under existing conditions it is claimed that the producer is not receiving a fair return for the products of the soil, and that the consumer is paying a price for the products consumed that is unjust and burdensome, many instances of which condition have been called to the attention of this Senate, two illustrations of which will suffice; namely, that the raisin producers of Fresno were receiving a cent and a half per pound for raisins at the point of production, while the consumers in San Francisco paid fifteen cents per pound for raisins; and the difference in price between what is paid to fishermen for their catch of fish and the price charged to consumers; and

WHEREAS, It appears in many parts of the State that the difference between the first cost of production and the price to the consumer is unjust and unwarranted, and it is charged that a combination exists in violation of law to maintain these high and unwarranted prices; now, therefore, be it

Resolved, That a special committee of three Senators be appointed by the President of the Senate to investigate the conditions which permit such inequalities in the cost of production and the price of products to the consumer, and recommend to the Legislature at its next session such statutes as may ameliorate the present conditions; and be it further

Resolved, That the said committee shall have the power to subpoena witnesses and send for persons and papers, and issue subpoenas where necessary; and be it further

Resolved, That there is hereby set aside from the contingent fund of the Senate, for the purpose of defraying the necessary traveling and contingent expenses of the said committee, the sum of five thousand (\$5,000.00) dollars, have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

LEAVITT, Chairman.

The same was taken up for consideration.

Senator Wolfe moved the adoption of the report and resolution.

The motion was duly seconded.

The question being upon the adoption of the report and resolution.

The following amendments were offered:

By Senator Sanford:

Strike out all of lines 4, 5, and 6, in the preamble.

Amendment read, and adopted.

Also:

By Senator Caminetti:

Insert after the word "Senate", in the second line of the first resolution, the following words: "and three Assemblymen be appointed by the Speaker of the Assembly."

Amendment read, and refused adoption.

Also:

By Senator Sanford:

Add after line 3 the following:

"WHEREAS, The excessive high tariff enables the tariff barons to fatten off the earnings of the people; and

"WHEREAS, The tariff should be removed from all trust-made goods."

Amendment read, and refused adoption.

Also:

By Senator Walker:

Amend the third line from the bottom of the page by striking out the words "five thousand (\$5,000.00) dollars", and insert in lieu thereof the words "one thousand dollars".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Black, Campbell, Holohan, and Walker—4.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—34.

And:

By Senator Boynton:

Amend by inserting after the word "Senators", on line 20 of the resolution as printed in the Journal, the words "who shall serve without compensation".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Campbell, Estudillo, Holohan, Miller, Sanford, Thompson, Walker, Wolfe, and Wright—15.

NOES—Senators Bills, Birdsall, Burnett, Cartwright, Curtin, Cutten, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Weed, Welch, and Willis—24.

Also:

By Senator Caminetti:

Insert after the first resolution, the following:

"Resolved, That the investigation herein provided for shall be carried on at the leading business and producing centers of the State, and representatives of organizations existing in California shall be granted a hearing though not subpoenaed by the committee".

Amendment read, and adopted.

Also:

By Senator Sanford:

Add after line 3 the following: "and therefore be it

"Resolved, That the sum of \$5,000 be appropriated out of the contingent fund of the Senate, to be used at the discretion of the Attorney General in enforcing the anti-trust law now on the statute books. The State Treasurer is hereby directed to pay the above sum upon the order of the Attorney General."

Amendment read, and refused adoption.

The question being upon the adoption of the report and resolution, as amended.

The roll was called, and the report and resolution, as amended, adopted by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten,

Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Thompson, Weed, Welch, Willis, and Wolfe—25.

NOES—Senators Bell, Black, Campbell, Cartwright, Miller, Rush, Sanford, Stetson, Strobridge, and Walker—10.

PETITION.

The following petition was presented by the President, and ordered printed in the Journal:

WHEREAS, There is pending before the Legislature of this State of California, now in session at Sacramento, a measure known as the Local Option Bill, providing for the local or district prohibition of the sale of intoxicating liquors; and

WHEREAS, Believing in all honorable measures for the restriction of the liquor trade, and the purification of those communities which by a majority vote shall determine to rid themselves of evil influence; be it

Resolved, That we, San Francisco Lodge I. O. G. T. No. 55, indorse the Local Option Bill and the efforts of the Anti-Saloon League to have same passed, and call upon the Senate and the Assembly to enact into law that clearly American principle of the majority rule; and be it further

Resolved, That copies of this resolution be sent to the President of the Senate and Speaker of the Assembly, to the Superintendent of the Anti-Saloon League, and to the press.

Submitted.

A. L. JOHNSON,
ALBERT SMITH,
HENRY G. WREN.

APPOINTMENT OF SPECIAL COMMITTEE.

The President of the Senate announced that in accordance with the following resolution—*Resolved*, That a special committee of three Senators be appointed by the President of the Senate, to be known as "Committee on Introduction of Bills." All bills offered by Senators shall, before the Constitution is suspended for the purpose of introduction, be referred to said committee—adopted on previous day, he had appointed Senators Leavitt, Willis, and Miller a Special Committee on Introduction of Bills.

SENATOR E. I. WOLFE IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Willis to reconsider the vote whereby Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties—was adopted, the same was taken up for consideration.

Senator Willis moved that the vote whereby Senate Constitutional Amendment No. 3 was adopted be now reconsidered.

The motion was duly seconded.

The question being upon the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Senate constitutional amendment read on previous day.

SPECIAL ORDER SET.

Senator Curtin moved that the further consideration of Senate Constitutional Amendment No. 3 be made a special order for Wednesday, February 17, 1909, immediately after the reading of the Journal.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Weed moved that the vote whereby Senate Bill No. 118—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants, and providing a penalty for the violation thereof—was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator McCartney moved that the further consideration of Senate Bill No. 118 be made a special order for Wednesday, February 17, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town, at a special municipal election held therein for that purpose on the 30th day of January, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Concurrent Resolution No. 10 ordered referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend section one of an Act approved March 20th, nineteen hundred and five, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20th, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28th, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the home of the Veterans' Home Association, approved March 7th, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23d, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12th, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.'"

Also: Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the department of law of Leland Stanford Junior University.

Also: Senate Bill No. 77—An Act to add a new section to the Political Code,

to be numbered 1840, relating to the levy and collection of special district school funds.

Also: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto, and the taxation thereof.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installation of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Assembly Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lottery drawings.

Also: Assembly Bill No. 25—An Act to amend section one of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903.

Also: Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court, and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven, and section two thousand one hundred and seven, both relating to the National Guard.

Also: Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Also: Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma, approved April 21, 1858."

Also: Assembly Bill No. 417—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Assembly Bill No. 431—An Act to amend section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Also: Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Also: Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code, by increasing the purposes for which school bonds may be voted."

Also: Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code, by providing a superintendents' annual convention."

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be paid to the county treasurer of the county of Sacramento.

Also: Assembly Bill No. 711—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 712—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation for the construction and maintenance of joint levees or other joint works of reclamation.

Also: Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry: fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Also: Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Also: Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Also: Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052b, relating to the disposition of property of the counties.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof, as amended March 23, 1907, section two thereof, as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing salaries.

Also: Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671b, relating to enlarging, reconstructing or replacing county high schools, or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Also: Adopted Assembly Concurrent Resolution No. 5—WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and the Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bills Nos. 25, 65, 77, 94, 106, 187, 191, and 309 ordered to enrollment.

Assembly Bills Nos. 10, 25, 75, 169, 296, 315, 417, 431, 440, 569, 626,

629, 631, 710, 711, 712, 592, 726, 227, 446, 728, 171, 262, 274, 275, and 284 read first time.

Assembly Bill No. 10 ordered referred to Committee on Public Morals.

Assembly Bills Nos. 25 and 275 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 75, 417, 726, and 262 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 169 and 171 ordered referred to Committee on Military Affairs.

Assembly Bills Nos. 296, 440, and 728 ordered referred to Committee on County Government.

Assembly Bills Nos. 315, 431, and 569 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 626 and 274 ordered referred to Committee on Agriculture and Dairying.

Assembly Bills Nos. 629, 631, and 284 ordered referred to Committee on Education.

Assembly Bills Nos. 710, 711, and 712 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 592 and 446 ordered referred to Committee on Prisons and Reformatories.

Assembly Bill No. 227 ordered on file, without reference to committee, on motion of Senator Willis.

Assembly Concurrent Resolution No. 5 ordered referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 818—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Also: Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Also: Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis and appropriating money therefor.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, etc., for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Senate Bill No. 779—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 831—An Act to appropriate the sum of ten thousand dol-

bars for the purpose of partly changing the line of road and making permanent culverts on the Sonoma and Mono road, a state highway.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 848 and 56 ordered on file for second reading.
Senate Bills Nos. 637, 638, 668, 669, 670, 912, 779, and 831 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 276—An Act to add a new section to the Political Code, relating to the submission of amendments to the Constitution.

Also: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, as amended.

WILLIS, Chairman.

Senate Bill No. 276 ordered on file for second reading.

Assembly Bill No. 184 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 6—Relative to legislative powers and reserving to the people of the State of California the power to propose legislation, laws and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature, have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted, as amended.

WILLIS, Chairman.

On motion of Senator Willis, Senate Constitutional Amendment No. 6 was ordered re-referred to Committee on Judiciary.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 478—An Act to amend section three hundred forty-three of the Political Code of California, relating to civil executive officers.

Also: Senate Bill No. 330—An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure, to be numbered 1580, providing for a procedure for the sale of property belonging to an estate.

Also: Senate Bill No. 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California.

Also: Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of the State of California, relative to the powers of the county board of education.

Also: Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the Board of Trustees of the State Library.

Also: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Bill No. 645—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class.

Also: Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Also: Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California.

Also: Senate Bill No. 826—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 439 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Also: Senate Bill No. 594—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Senate Bill No. 535—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Senate Bill No. 539—An Act to amend section four hundred and thirty-five of the Political Code, relating to the duties of the State Controller.

Also: Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Also: Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Also: Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Also: Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Also: Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Senate Bill No. 908—An Act to amend the Code of Civil Procedure, by adding a new section thereto to be numbered 359½, providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Also: Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Also: Senate Bill No. 741—An Act to regulate and license the hunting of wild birds and animals and the fishing for and catching with hook and line of protected fish, and to provide revenue therefrom, for game and fish preservation and restoration.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634 and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto relating to the duties and compensation of official reporters, to be known as subdivision 17 of said section.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code to be numbered 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred

and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also: Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 731—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 478, 330, 292, 505, 762, 22, 645, 760, 771, 830, 832, 836, 890, 911, 921, 768, 782, 594, 595, 599, 660, 661, 657, 658, 663, 223, 908, 378, 741, 837, 763, 314, 931, 932, 730, 731, 732, 733, 227, and Committee Substitute for Senate Bill No. 630 ordered on file for third reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 295 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his power and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of laws, or unsafe practices are found to exist or are reported by the Commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to prepare licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the Commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BATES, Chairman.

Senate Bill No. 982 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 766—An Act defining state highways, providing for the laying out and adoption of a continuous and connected state highway system and the survey of a right of way therefor, prescribing the powers and duties of the State Department of Engineering in relation thereto, providing for the acquisition of roads and of rights of way and the construction and maintenance of a permanent road-bed and appropriating the moneys necessary to carry out the provisions of this Act—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it do pass as amended, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Senate Bill No. 766 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BIRDSALL, Chairman.

Senate Bill No. 767 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 777—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do not pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 777 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

ROSEBERRY, Chairman.

Senate Bill No. 17 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 936 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties—have had the same under consideration, and respectfully report the same back, with amendment, and recommend, by a majority vote, that it be adopted as amended.

THOMPSON, Chairman.

Senate Constitutional Amendment No. 14 ordered on file.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 22 taken up for the purpose of amendment.

Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Price moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 5 of the amended printed bill, line 2, the words "and twenty-five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 22, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Bill No. 22.

On motion of Senator Price, Senate Bill No. 22 was ordered to retain its place on file.

CONSIDERATION OF BILLS—OUT OF ORDER.

Senator Cullen asked for and was granted unanimous consent to have Senate Bills Nos. 677 and 804 taken up for the purpose of amendment.

Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Birdsall, as a special committee of one, to amend as follows:

By inserting on page 3, after the end of Sec. 7, a new section, as follows:
"SEC. 8. This Act shall take effect immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 677, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Birdsall, as a special committee of one, to amend as follows:

Insert in title, after the word "within", the following words: "Eel River and the entrance thereto and".

Insert in Section 1, line 2, after the word "of", the following: "Eel River and the entrance thereto and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 804, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RECESS.

At twelve o'clock and thirty minutes p. m., the President pro tem. declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. and Mrs. T. A. Winn.

Also:

On request of Senator Savage, the privilege of the floor of the Senate

Chamber, for this day, was unanimously extended to Dr. L. A. Perce, of Long Beach.

Also:

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge J. G. Quinn, of Alameda County.

Also:

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mrs. E. Lewis and Mrs. E. B. Collier.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Stetson to reconsider the vote whereby Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers—was passed, the same was taken up for consideration.

The question being upon the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutton, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—31.

NOES—Senators Curtin, Kennedy, McCartney, Rush, and Wright—5.

Assembly Bill No. 11.—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of Section 1, line 2, the words "guns," and "or other firearms".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 5 and 6, the words "guns," and "or other firearms".

Also: Section 1, line 7, the words "gun," and "or other firearms".

Also: By striking from the title the words "gun," and "and other firearms".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF DAILY FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Willis as a special committee of one to amend, as follows:

AMENDMENT No. 1.

Immediately after the word "California", line 27, page 2, Section 1, of said bill, strike out the period and insert a semicolon, and the following:

"*Provided further*, that the commencement, construction, and completion of the water works hereinbefore mentioned, for conducting said waters to the place of intended use, shall be deemed to be the commencement, construction, and completion of the works by which such municipality intends to divert said waters, within the meaning of Sections 1416 and 1422 of said Civil Code."

AMENDMENT No. 2.

Strike out all of Section 3, page 2, of said bill, and insert in lieu thereof the following:

"SEC. 3. When any selection of the right of way or land for such water works or adjuncts thereto is made by any municipal corporation, the legislative authority thereof must transmit to the Surveyor General, Controller of the State, and county recorder of the county in which the lands are situated, a plat of the land so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the plat be approved by the Surveyor General, he must so endorse the same, and issue to the municipal corporation a permit to use such right of way and lands. Such permit shall be recorded in the office of the recorder of the county in which the right of way and lands are situated, and within thirty days thereafter, any party interested may present a petition to a court of competent jurisdiction, for a review of the action of the Surveyor General in granting such permit. If no such petition be presented, or, if having been so presented, is denied upon the hearing thereof or upon appeal properly taken, such permit shall become final. If upon such hearing or appeal, a review is had and such use prohibited, such permit shall be canceled and annulled."

Amendments read, and on motion of Senator Hurd ordered printed in the Journal.

Assembly Bill No. 422 ordered on file as unfinished business.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

On motion of Senator Leavitt, Assembly Bill No. 42 was ordered referred to Committee on Finance.

Assembly Bill No. 186—An Act to provide two additional judges of the Superior Court of the county of Alameda.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutton, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator Campbell—1.

Title read.

AMENDMENT TO TITLE.

During the reading of the title, the following amendment to the title was offered:

By Senator Stetson:

Amend by striking out the words "two additional judges", in the title, and insert in lieu thereof the following: "one additional judge".

Amendment adopted.

Title approved as amended.

Bill ordered to print and transmitted to the Assembly.

Assembly Bill No. 226—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 or over, to appoint a secretary."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 226 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutton, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 13.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section nine of article eleven thereof, relating to the compensation of officers and the extension of the term of officers.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section nine of article eleven of the Constitution of the State of California be amended to read as follows:

Section 9. The compensation of any State, county, city, town, township, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Assembly constitutional amendment read.

During the reading of the Assembly constitutional amendment, the following amendments were submitted by committee:

On page 1, line 10, after the word "shall", insert the following: "the salary provided to be paid any deputy of any of the State officers be increased during the term of his principal, nor shall".

Amendment adopted.

And:

On page 1, line 12, after the word "appointed" and period, insert the following: "An increase in the number of deputies of any of the State officers shall not be deemed to be an increase of salary of the principal".

Amendment adopted.

Assembly Constitutional Amendment No. 13 ordered to print and on file.

Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to coöperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation, and the conservation of water.

On motion of Senator Wright, Assembly Joint Resolution No. 1 was referred to Committee on Finance.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the Joint Board of State Normal School Trustees.

On motion of Senator Black, Assembly Bill No. 604 was temporarily passed on file, to retain its place.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 170c, relating to the support of indigent parents.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

On motion of Senator Leavitt, Assembly Bill No. 8 was temporarily passed on file, to retain its place.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

On motion of Senator Leavitt, Assembly Bill No. 31 was temporarily passed on file, to retain its place.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committee were received and read out of order:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organ-

izations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

MAJORITY AMENDMENTS.

On page 2, Section 2, lines 7, 8, 9, printed bill, strike out the words "party candidates for the office of United States Senator shall be nominated in the manner provided herein for the nomination of candidates for State offices".

Also:

On pages 6 and 7, Section 5, printed bill, lines 106 to 136, inclusive, strike out the words: "In the case of an elector seeking nomination for the office of State Senator or member of the Assembly, he may include with his affidavit one of the two statements hereinafter set forth in this section and subdivision. His failure to include either such statement shall not be a valid ground for refusal to receive and file his nomination paper or papers by the Secretary of State, county clerk or registrar of voters in any city and county as the case may be."

"Such statements, if any be made, shall be in substantially the following form:

"I further declare to the people of California and to the people of the..... (Senatorial or Assembly) district that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States Senator in Congress who shall have received for that office the highest number of the votes cast by my party at the September primary election next preceding the election of a Senator in Congress.

(Signature of candidate for nomination.)

"If the candidate be unwilling to sign the above statement, he may sign the following declaration, which shall be filed with his nomination paper or papers and affidavit:

"I further declare to the people of California, and to the people of the..... (Senatorial or Assembly) district that during my term of office I shall consider the vote of the people at any primary election for United States Senator as nothing more than a recommendation, which I shall be at liberty wholly to disregard, if I see fit.

(Signature of candidate for nomination.)

Strike out of the form of official primary election ballot in column 2 the words "United States Senator—vote for one"; also the rules, spaces and names down to the heavy-faced rule or line over the words "Republican in Congress, Fourth District—vote for one."

Also:

On pages 23 and 24 of the printed bill strike out all of Section 25 and insert in lieu thereof the following:

"SECTION 25. 1. If it should chance that for any office for which nominations are to be made at a primary election, no candidate has received the majority vote of his party at such election, then the nomination of a candidate for such office shall be made at a party convention composed of delegates elected at such primary election."

"2. Conventions of political parties as provided for in Part III, Title II, Chapter VIII of the Political Code of the State of California are hereby preserved as a part of the nominating machinery of this State for the purpose of nominating candidates for office in all cases wherein nominations have not been made for such office at a primary election, except in those cases where nominations are made by a majority vote at a primary election. Conventions shall be held and nominations shall be made and certified in all respects as provided in said Chapter VIII, Part III, Title II of the Political Code, and for such purposes all the provisions thereof relating to conventions shall remain in full force and effect."

"3. For the purpose of electing delegates to political conventions to make nominations for office, when such nominations have not been made as otherwise provided for in this act, all of the provisions of Chapter XIV, Title II, Part III of the Political Code of the State of California shall remain in full force and effect, and said Chapter XIV and all the provisions thereof, except as the same may be changed by this act, shall be obligatory and mandatory throughout the State and in every precinct thereof."

Also:

On page 7, Section 5, printed bill, line 138, strike out the words "or for United States Senator."

Also:

On page 9, Section 6, printed bill, line 3, strike out the words "United States Senators."

Also:

On page 9, Section 7, printed bill, lines 3 and 4, strike out the words "or the United States Senate".

Also:

On pages 13, 14, Section 12, printed bill, lines 79, 80, strike out the words "United States Senator in Congress, if any.".

Also:

On page 14, Section 13, line 92, strike out the words "United States Senator in Congress".

Also:

On page 14, Section 12, lines 97 and 98, strike out the words "United States Senator in Congress".

Also:

On page 17, Section 13 lines 1 to 11, inclusive, strike out the words "Sec. 13. Whenever nomination papers have been duly filed for two or more persons as candidates for nomination to the same office by any political party the names of all such candidates shall be so alternated on the official ballots used in each election precinct that they shall appear thereon substantially an equal number of times at the top, the bottom and at each intermediate place, if any, of the list or group in which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and each block of ballots to be so made up as to carry out the intent hereof."

Also:

On pages 22, 23, Section 24, printed bill, lines 22 to 33, inclusive, strike out the words: "It shall be the duty of the Secretary of State to compile the returns for United States Senator in Congress, if any, and prepare a statement thereof. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the Secretary of State to transmit duplicates of such statements to the Speaker of the Assembly and the President of the Senate on the first day of the next ensuing session of the legislature, together with his official certificates of nomination for the candidates for United States Senator in Congress who received the highest number of votes cast by their respective parties at the primary election."

Also:

On page 24, Section 26, lines 1 to 31 inclusive, strike out the words: "Sec. 26. In the years when a Governor and other State officers are to be elected the candidates for State officers and for Senate and Assembly nominated by each political party at such primary election and State Senators of such political party whose term of office extends beyond the first Monday in January of the year next ensuing shall meet at the State Capital at two o'clock in the afternoon of the fourth Tuesday of September, after the date on which any primary election is held preliminary to such general state election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday."

"They shall also proceed to elect a state central committee to consist of at least three members from each congressional district, who shall hold office until a new state central committee shall have been selected. In years when a state convention assembles to select delegates to a national convention to nominate a candidate for President and for Vice-President of the United States, such state convention shall have the power to formulate their party platform and to select such new state central committee, which shall consist of at least three members from each congressional district, which committee shall hold and exercise its power until the candidates for State offices and for Senate and Assembly to be voted for at the next ensuing state election shall assemble and select their successors. Such state central committee shall meet and organize in the city and county of San Francisco at a time to be designated by the body selecting such state central committee, and such committee may then or thereafter select an executive committee."

Also:

On page 25, Section 27, line 2, after the word "election" insert the following: "or conventions at which nominations are made."

Also:

On page 26, Section 31, line 2, strike out the words "including that of the United States Senator in Congress."

Also:

On page 26, Section 32, line 2, strike out the words "including that of United States Senator in Congress."

Also:

On page 3, Section 1, line 6 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 2, Section 3, line 1 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 3, Section 3, line 5 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 3, Section 4, line 2 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 3, Section 4, line 12 of the printed bill, strike out the word "September" and insert the word "August".

Also:

Same page, section same, line 24 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 17, Section 14, line 1 of the printed bill, strike out the word "September" and insert the word "August".

Also:

On page 17, Section 14, line 1 of the printed bill, strike out the figures "14" and insert the figures "13".

Also:

On page 18, Section 15, line 1 of the printed bill, strike out the figures "15" and insert the figures "14".

Also:

Same page, Section 16, line 1 of the printed bill, strike out the figures "16" and insert the figures "15".

Also:

On page 19, Section 17, line 1, of the printed bill, strike out the figure "17" and insert the figures "16".

Also:

On same page, Section 18, line 1 of the printed bill, strike out the figures "18" and insert the figures "17".

Also:

On same page, Section 19, line 1 of the printed bill, strike out the figures "19" and insert the figures "18".

Also:

On page 20, Section 20, line 1 of the printed bill, strike out the figures "20" and insert the figures "19".

Also:

On same page, Section 21, line 1 of the printed bill, strike out the figures "21" and insert the figures "20".

Also:

On same page, Section 22, line 1 of the printed bill, strike out the figures "22" and insert the figures "21".

Also:

On page 21, Section 23, line 1 of the printed bill, strike out the figures "23" and insert the figure "22".

Also:

On page 22, Section 24, line 1 of the printed bill, strike out the figures "24" and insert the figures "23".

Also:

On page 25, Section 27 of the printed bill, line 1, strike out the figures "27" and insert the figures "24".

Also:

On same page, Section 28, line 1 of the printed bill, strike out the figures "28" and insert the figures "25".

Also:

On same page, Section 29, line 1 of the printed bill, strike out the figures "29" and insert the figures "26".

Also:

On same page, Section 30, line 1 of the printed bill, strike out the figures "30" and insert the figures "27".

Also:

On page 26, Section 31, line 1 of the printed bill, strike out the figures "31" and insert the figures "28".

Also:

On same page, Section 32, line 1 of the printed bill, strike out the figures "32" and insert the figures "29".

Also:

On page 27, Section 33, line 1 of the printed bill, strike out the figures "33" and insert the figures "30".

Also:

Same page, Section 34, line 1 of the printed bill, strike out the figures "34" and insert the figures "31".

Also:

On page 28, Section 35, line 1 of the printed bill, strike out the figures "35" and insert the figures "32".

Also:

Same page, Section 36, line 1 of the printed bill, strike out the figures "36" and insert the figures "33".

Also:

Same page, Section 37, line 1 of the printed bill, strike out the figures "37" and insert the figures "34".

Also:

On page 22, Section 24, line 1 of the printed bill, strike out the words "the highest number of votes", and insert in lieu thereof the following: "a majority of all votes cast".

Also:

On page 22, Section 24, lines 7 and 8 of the printed bill, strike out the words "his precinct for county committeeman shall be the county committeeman of his party for the ensuing two years," and insert in lieu thereof the following: "his district, ward, or precinct, for delegate, shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city conventions as such political subdivision is entitled to representation".

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: The undersigned, being a minority of your Committee on Elections and Election Laws, to which committee was referred Senate Bill No. 3, Entitled "An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties, and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator" have had the same under consideration, and respectfully report that they are unable to agree with the majority of said committee, which has recommended that said bill be so amended as to cut out all reference to United States Senator, thereby preventing the electors of the State of California from expressing their party choice as to who shall represent the State of California in the Senate of the United States, and have also, by amendment to said bill, provided that it shall require a majority of all the party votes cast at a primary election in order to make a nomination; and further providing that all nominations not made by a majority vote at a primary election shall be thrown into a convention, and the nominations made in convention, as has heretofore been the practice of political parties in the State of California, and believing that such majority report is in direct conflict with and disobedience to the demands of the people of the State of California, and in disregard of the will of political parties as expressed in their party platforms.

We therefore recommend that Senate Bill No. 3 be passed, and that the amendments herewith submitted by the minority be substituted in lieu of and instead of those submitted by the majority.

Respectfully submitted,

ESTUDILLO,
WRIGHT,
STETSON.

Minority.

MINORITY AMENDMENTS.

On page 2, Section 2, lines 14 and 15, strike out the words "reclamation and irrigation districts", and insert in lieu thereof the following: "Any district organization not formed for municipal purposes, nor to school trustees in cities of the sixth class."

Also:

On page 3, Section 5, line 2, insert after the word "ballot" the words "to be".

Also:

On page 4, Section 5, lines 25 and 26, strike out the words "as representing the principles of said.....party."

Also:

On page 5, Section 5, line 50, strike out the parentheses marks and the words "here designate the office".

Also:

On page 5, Section 5, after line 59, insert the following: "Such verification deputies shall have all the powers and be subject to all the penalties provided by Section 1188 of the Political Code."

Also:

On page 7, Section 5, line 138, strike out the word "office", and insert in lieu thereof the following: "officer".

Also:

On page 8, Section 5, line 158, strike out the word "office", and insert in lieu thereof the following: "officer".

Also:

On page 8, Section 5, line 159, after the words "and county", insert in lieu thereof the following: "or any political subdivision constituting a part of such county, city and county, or city."

Also:

On page 8, Section 5, line 161, strike out the word "office", and insert in lieu thereof the following: "officer".

Also:

On page 10, Section 7, line 26, strike out the period, and insert in lieu thereof the following: "or for township offices."

Also:

On page 12, Section 12, line 30, strike out the word "fifty-four", and insert in lieu thereof the following: "forty-eight".

Also:

On page 12, Section 12, line 33, strike out the word "thirty", and insert in lieu thereof the following: "twenty-four."

Also:

On page 12, Section 12, line 35, strike out the word "number", and insert in lieu thereof the following: "official designation."

Also:

On page 12, Section 12, line 38, after the word "election" insert the following: "the instructions to voters shall be printed in ten-point gothic type."

Also:

On page 13, Section 12, line 48, strike out the word "number", and insert in lieu thereof the following: "official designation."

Also:

On page 13, Section 12, line 50, after the words "may be", insert the following: "and the date of primary election."

Also:

On page 13, Section 12, line 51, strike out the word "ten", and insert in lieu thereof the following: "twelve".

Also:

On page 13, Section 12, line 52, strike out the words "eight-point roman", and insert in lieu thereof the following: "ten-point gothic".

Also:

On page 14, Section 12, lines 101 and 102, strike out the words "grouped and made to alternate on the ballot, as provided by Section 13 of this act", and insert in lieu thereof the following: "in alphabetical order according to surname."

Also:

On page 14, Section 12, line 109, strike out the word "eight", and insert in lieu thereof "ten".

Also:

On page 15, Section 12, line 117, strike out the word "gothic", and insert in lieu thereof the following: "roman".

Also:

On page 15, Section 12, line 131, strike out the word "eight", and insert in lieu thereof the following: "twelve".

Also:

On page 15, Section 12, line 140, strike out the word "number", and insert in lieu thereof the following: "official designation".

Also:

On page 15, Section 12, line 148, strike out the words "one blank space", and insert in lieu thereof the following: "as many blank spaces".

Also:

On page 15, Section 12, line 149, after the word "apart", all the remainder of the paragraph to line 157, on page 16, and insert in lieu thereof the following: "as there are delegates to be elected to the county convention of such party as shall have been previously appointed by the county committee of such party and which shall be preceded by the words 'delegates to county convention', 'vote for one' or 'vote for two' or more as the case may be, according to such appointments, in which blank spaces the voter may write or paste the name or names of qualified electors of his party as delegates to the county convention of such party".

Also:

On page 16, insert between lines 156 and 157 the following: "The ballot shall be printed on the same leaf with the stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, provided that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one."

Also:

On page 16 strike out lines 157 and 158, and insert in lieu thereof the following: "The official ballots of each political party shall be made up in blocks of 100 ballots in the manner provided by law for official election ballots, and shall be printed in substantially the following form".

Also:

On page 17, Section 13, strike out all of Section 13.

Also:

On page 17, Section 14, line 10, strike out the period, and insert in lieu thereof the following: "; but such sample ballots need not be mailed to the voters".

Also:

On page 17, Section 14, line 11, strike out the word "forwith", and insert in lieu thereof the following: "forthwith".

Also:

On page 17, Section 14, line 24, strike out the words "On the tenth day" and capitalize "Before".

Also:

On page 17, Section 14, lines 25 and 26, strike out the words "correct any errors or omissions in the ballot."

Also:

On page 17, Section 14, line 26, strike out the word "same", and insert in lieu thereof the following: "official ballot".

Also: On page 18, Section 14, line 37, strike out the words "distribute the sample and", and insert in lieu thereof the following: "publish the sample ballot and to prepare and distribute the".

Also:

On page 17 strike out "Sec. 14", and insert in lieu thereof "Sec. 13", and renumber all sections thereafter in this Act consecutively.

Also:

On page 17 strike out "Sec. 14", and insert in lieu thereof the following: "Sec. 13".

Also:

On page 18 strike out "Sec. 15" and "Sec. 16", and insert in lieu thereof "Sec. 14" and "Sec. 15".

Also:

On page 19 strike out "Sec. 17", "Sec. 18", and "Sec. 19", and insert in lieu thereof "Sec. 16", "Sec. 17", and "Sec. 18".

Also:

On page 19, Section 18, line 8, strike out the word "register", and insert in lieu thereof the following: "roster".

Also:

On page 20, Section 20, line 5, after the words "shall be", insert the following: "voted as ballots are voted at general elections".

Also:

On page 20 strike out "Sec. 20", "Sec. 21", and "Sec. 22", and insert in lieu thereof "Sec. 19", "Sec. 20", and "Sec. 21".

Also:

On page 21 strike out "Sec. 23", and insert in lieu thereof "Sec. 22".

Also:

On page 21, Section 23, line 6, strike out the words "one o'clock in the afternoon", and insert in lieu thereof the following: "ten o'clock in the forenoon." Also: line 7, strike out the word "Friday" and insert in lieu thereof the word "Thursday".

Also:

On page 21, Section 23, line 16, strike out the word "tenth", and insert in lieu thereof the following: "sixteenth".

Also:

On page 21, Section 23, line 22, strike out the words "county committeeman", and insert in lieu thereof the following: "delegates to county and municipal conventions".

Also:

On page 22, Section 24, lines 7 and 8, strike out the words "precinct for county committeeman shall be the county committeeman of his party for the ensuing two years", and insert in lieu thereof the following: "district, ward or precinct for delegate shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city conventions in which such political subdivision is entitled to representation".

Also:

On page 22, Section 24, line 16, strike out the words "county committeeman", and insert in lieu thereof the following: "delegate".

Also:

On page 22, Section 24, after line 21, and before line 22, insert the following: "Not less than twenty-five days before the November election the Secretary of State shall certify to the county clerks or registrars of voters of each county and city and county within the State, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this Act, and whose nomination is evidenced by the compilation and statement required to be made by said Secretary of State and filed in his office as provided in section twenty-two of this Act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization, which has nominated such person and the designation of the public office for which he is so nominated."

Also:

On page 22 strike out "Sec. 24", and insert in lieu thereof "Sec. 23."

Also:

On page 23, Section 25, strike out the lines 1 to 11 inclusive and insert in lieu thereof the following:

"Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this State, or any political subdivision thereof, for the purpose of promulgating a platform and transacting such other business of the party as is not inconsistent with the provisions of this Act."

"2. A state convention shall be called in the manner following: The state central committee of any political party shall at least fifty days prior to the September primary election file a written petition signed by the chairman and secretary thereof with the Secretary of State, and mail a copy thereof to the chairman and secretary of each county central committee of said party in the State, which petition shall set forth the date and place of holding the state convention of said political party, and the number of delegates entitled to seats therein, also the number of delegates apportioned to each county, together with a brief statement of the purposes for which said convention shall be assembled. All delegates to state conventions shall be elected by county conventions, as provided in subdivision three of this section."

"3. A county convention shall be called in the manner following: The county central committee of any political party shall at least thirty days prior to each September primary election, file a written petition signed by its chairman and secretary, with the county clerk, which petition shall contain the date and place of holding such convention, the number of delegates entitled to seats therein, also the number of delegates apportioned to each election precinct in the territory which said convention will represent; also a brief statement of the purposes for which such convention is called, and the chairman and secretary of such county central committee shall mail or cause to be mailed a notice containing the substance of such petition to each committeeman of such party in the county. Such convention notice shall provide for the election of as many delegates to the state convention as shall have been apportioned by the call of the state central committee to such county, and shall also provide for the selection of a county central committee, which shall have control and management of the party campaign."

"4. City and county or municipal conventions shall be called in like manner as State and county conventions, and delegates thereto shall be elected at primary elections held in such city and county or municipality to nominate candidates for office in such political subdivisions in like manner as herein provided for the election of delegates to county conventions. In any city and county the petition calling such convention shall be filed with the registrar of voters, and in municipalities, with the secretary or clerk of the legislative body of such municipality, and the names of candidates for delegates to such conventions shall be printed in like manner and form as herein provided for county conventions. In any city and county the county committee shall be selected by the county convention, which under the provisions of this Act shall be held not later than two weeks after the September primary election for the nomination of candidates for the city and county offices."

"5. County, city and county, and municipal conventions shall be held not later than two weeks after the primary election at which delegates to such conventions are chosen, and the state convention not later than four weeks after the September election."

Also:

On page 23 strike out "Sec. 25", and insert in lieu thereof "Sec. 24".

Also:

On page 24, Section 26, strike out the entire section.

Also:

On page 25, Section 28, line 9, strike out the period after the word "candidates", and insert in lieu thereof the following: "or their legally appointed representatives".

Also:

On page 25, Section 29, line 2, after the words "Supreme Court", insert the following: "or District Courts of Appeal".

Also:

On page 25, Section 29, line 17, strike out the words "of the Supreme Court".

Also:

On page 25, Section 30, line 4, strike out the figures "29", and insert in lieu thereof the following: "27".

Also:

On page 25 strike out "Sec. 27", "Sec. 28", "Sec. 29" and "Sec. 30", and insert in lieu thereof "Sec. 25", "Sec. 26", "Sec. 27", "Sec. 28".

Also:

On page 26, Section 30, lines 5 and 6, strike out the words "of the Supreme Court".

Also:

On page 26, Section 32, line 5, strike out the figures "31", and insert in lieu thereof the following: "29".

Also:

On page 26 strike out "Sec. 31", "Sec. 32", and insert in lieu thereof "Sec. 29", "Sec. 30".

Also:

On page 27 strike out "Sec. 33", "Sec. 34", and insert in lieu thereof "Sec. 31", "Sec. 32".

Also:

On page 28 strike out "Sec. 35", "Sec. 36", "Sec. 37", and insert in lieu thereof "Sec. 33", "Sec. 34", "Sec. 35".

SPECIAL ORDER SET.

Senator Wright moved that the consideration of the above majority and minority reports of the Committee on Elections and Election Laws be made a special order for Thursday, February 18, 1909, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEES RESUMED—(OUT OF ORDER).

The following reports of standing committees were received and read, out of order:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 67 ordered referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis.

Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright -34.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled 'An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,''' approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

SENATOR WILLIS IN THE CHAIR.

At two o'clock and fifty minutes P. M., Senator Willis of the Thirtieth District in the chair.

PRIVILEGE OF THE FLOOR OF SENATE EXTENDED.

On request of Senator Sanford, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge John E. Raker of Modoc County.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Sanford, Savage, Stetson, Walker, Weed, Welch, Willis, and Wolfe—30.

NOES—Senators Bell, Roseberry, Strobbridge, Thompson, and Wright—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS (OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 594 taken up for the purpose of amendment.

Senate Bill No. 594—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Price moved to refer to Senator Bates as a special committee of one, to amend as follows:

By striking out of Section 1, line 32, the period after the word "terms", and inserting in lieu thereof the following: " : provided that no agreement for the deposit of said money shall be for a longer period than one year."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 594, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 194 taken up for the purpose of amendment.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof, by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Wolfe as a special committee of one, to amend as follows:

Amend by striking out of line 1, of title to bill, after the word "Three" the words "and four", and inserting in lieu thereof the following: " , four and six".

And: Amend by adding a new section to be known and numbered "Section 4", and to follow Section 2 and to read as follows:

"Section 4. Section 6 of an Act entitled 'An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof', approved February 20, 1905, is hereby amended to read as follows:

Section 6. It shall be the duty of the Commissioner of the Bureau of Labor Statistics to enforce the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 194, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Wolfe to reconsider the vote whereby Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor—was passed, the same was taken up for consideration.

Senator Wolfe moved that the vote whereby Senate Bill No. 59 was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senator Wolfe—1.

NOES—Senators Bates, Bills, Bardsall, Black, Caminetti, Campbell, Curtin, Curtin, Estrada, Hare, Holohan, Hurst, Kennedy, Leavitt, McCarthy, Miller, Price, Reilly, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT—OUT OF ORDER.

Senator Black asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 37 taken up for the purpose of amendment.

SENATE CONSTITUTIONAL AMENDMENT No. 37.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, one thousand nine hundred and nine, and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof.

hereby propose that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, the head of the department of education therein, and the head of the department of education of Leland Stanford Junior University shall be ex officio members of the State Board of Education. Prior to the first day of July after the adoption of this amendment the Governor shall appoint one person who at the time of his appointment is a president of a state normal school, one who at such time is a county superintendent of schools, one who at such time is principal of a secondary school, one who at such time is city superintendent of schools, one who at such time is principal of an elementary school and one who at such time is principal of a polytechnic school, no two of whom shall be from the same county, as members of the State Board of Education. The term of office of one of the members so appointed shall end one year after said first day of July, and that of one member each first day of July thereafter, until the term of each appointive member has expired. The order in which the terms of the several members expire shall be determined by lot at the first meeting of the Board of Education held under this provision. Whenever the term of an appointive member expires, his successor shall be appointed by the Governor. Each member appointed to succeed one of the members first appointed shall hold office for six years from the time when the term of his predecessor expired. The board herein provided shall enter on its functions on the first day of July after the adoption of this amendment.

The State Board of Education shall compile or cause to be compiled, and adopt a uniform series of text-books for use in the elementary schools throughout the State. The State board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text books so adopted shall continue in use not less than four years.

The State Board of Education shall prescribe, subject to legislative enactment, the credentials, upon which secondary school certificates may be issued by county superintendents and county boards of education.

The Legislature shall provide for a county board of education in each county in the State. The county superintendent of schools and the county boards of education shall have control of the examination of teachers for elementary and special certificates, and the granting of all teachers' certificates within their respective jurisdictions.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment the following amendments were submitted by committee:

On page 1, Section 7, line 18, after the word school," strike out the comma (,) and insert the word "and".

Amendment adopted.

Also:

On page 1, Section 7, lines 19 and 20, strike out the words "one who at such time is principal of an elementary school and one who at such time is principal of a polytechnic school", and the comma (,) after school.

Amendment adopted.

And:

On page 2, Section 7, line 31, strike out the word "six", and insert in lieu thereof the word "four".

Amendment adopted.

Senate Constitutional Amendment No. 37 ordered to print and engrossment.

ADJOURNMENT.

At three o'clock and forty-five minutes p. m., on motion of Senator Estudillo, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 17, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 16, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. S. D. Woods of San Joaquin, and Hon. A. N. McDonald of Tuolumne.

Also:

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. E. W. Freeman of Los Angeles.

Also:

On request of Senator Bates, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Julius Magnin.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Leslie R. Hewitt of Los Angeles.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Col. Herbert Choynski of San Francisco, and Mr. W. W. Wells of Los Angeles.

Also:

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. J. G. Fitzgerald of San Francisco.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 3—Relative to the State and county boards of equalization and their powers and duties—the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 3.

A resolution to propose to the people of the State of California an amendment to the constitution of said State by amending section nine of article thirteen thereof, relating to the state and county boards of equalization and their powers and duties.

The legislature of the State of California, at its regular session, commencing on the 4th day of January, A. D. 1909, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section nine of article thirteen of the constitution of California be amended to read as follows:

Section 9. The State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts at the general election to be held in the year one thousand nine hundred and ten, and every four years thereafter, whose term shall be four years. The Controller of State shall be ex officio a member of the board. The members of the present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The legislature shall have power to redistrict the State into four districts, as nearly equal as practicable, and to provide for the election of members of said board of equalization. The boards of supervisors of the several counties of the state shall constitute boards of equalization for their respective counties. It shall be the duty of the State Board of Equalization to equalize the valuation of the taxable property between the several counties of the State for purposes of taxation, and to that end it is authorized and empowered to raise or lower the entire assessment roll of any county, and to raise or lower the assessed valuation of any class or classes of property on the assessment roll of any county. It shall be the duty of the county board of equalization in each county to equalize the valuation of the taxable property in the county for the purposes of taxation so as to make the assessment thereof conform to the true value in money, and to that end it is authorized and empowered to raise or lower any assessment contained in the assessment roll of the county. No board of equalization shall raise the assessed valuation of any mortgage, deed of trust, contract, or other obligation by which a debt is secured; of money; or of any solvent credit, above the face value thereof. Said boards of equalization both state and county shall prescribe the rules of notice governing their actions in equalizing.

The vote whereby the Senate constitutional amendment was adopted having been reconsidered on previous day.

The question now being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Burnett, Campbell, Curtin, Cullen, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, and Wright—29.

NOES—Senators Bell, Birdsell, Caminetti, Cartwright, Estudillo, Holahan, Rush, Willis, and Wolfe—9.

Senate Constitutional Amendment No. 3 ordered engrossed and transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Black, relating to municipal bonds.

Also: Two bills by Senator Sanford, relating to powers of boards of supervisors in matters of assessment of property and hearings.

Also: A bill by Senator Burnett, relating to eminent domain.

Have had the same under consideration, and respectfully report the same back and recommend that the Constitution be suspended and said bills be permitted introduction.

LEAVITT

WILLIS,

MILLER,

Committee.

RESOLUTIONS — (OUT OF ORDER).

The following resolutions were introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Black be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Black: Senate Bill No. 1228 An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

Also:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Sanford be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Sanford: Senate Bill No. 1229 -An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Bill read first time, and referred to Committee on County Government.

Also:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Sanford be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Sanford: Senate Bill No. 1230—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses and taking evidence by the supervisors of a county when acting as a county board of equalization.

Bill read first time, and referred to Committee on County Government.
Also:

Resolved. That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Burnett be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, and Willis—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Burnett: Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Weed to reconsider the vote by which Senate Bill No. 118—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees, or servants, and providing a penalty for the violation thereof—was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Weed, Senator McCartney moved that the vote whereby Senate Bill No. 118 was refused passage, be now reconsidered.

The motion was duly seconded.

The question being upon the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senator Bell—1.

NOES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 11—Approving charter of city of Richmond, California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on February 9, 1909.

Also: Assembly Concurrent Resolution No. 13—*Resolved by the Assembly, the Senate concurring*, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on Monday, February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises and to provide a place and fix the time of said joint meeting, said committees to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Also: Senate Concurrent Resolution No. 6—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Concurrent Resolution No. 11 ordered referred to Committee on Municipal Corporations.

Assembly Concurrent Resolution No. 13 ordered referred to Committee on Judiciary.

Senate Concurrent Resolution No. 6 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1908.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 33, 34, 140, and 246.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 183—An Act to amend Section 184 of an Act entitled "An Act to establish a uniform system of county and township governments, relating to salaries and expenses of county and township officers in counties of the twenty-seventh class.

Also: Assembly Bill No. 210—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Also: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Also: Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Also: Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Also: Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

Also: Senate Bill No. 15—An Act to amend Section 667 of the Civil Code of the State of California, relating to statutes for the prevention of cruelty to children and animals.

Also: Senate Bill No. 130—An Act to amend section two thousand nine hundred seventy-nine of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code relating to a waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 154—An Act to amend section 302 of the Civil Code relating to the election of directors of corporations and notice of stockholders' meetings held therefor.

Also: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the

State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III, of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 183, 240, 241, 576, 647, 756, 794, and 846 read first time.

Assembly Bills Nos. 183 and 647 ordered referred to Committee on County Government.

Assembly Bill No. 240 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 241, 756, and 794 ordered referred to Committee on Finance.

Assembly Bills Nos. 576 and 846 ordered referred to Committee on Judiciary.

Senate Bills Nos. 15, 130, 152, 153, 259, and 343 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure relating to Justices' Courts and justices of the peace.

Also: Senate Bill No. 273—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 273?"

On pages 1 and 2, Section 39, of No. 1, lines 13, 14, and 15, strike out the words "Judgment for money against the district, with the interest thereon, which shall before said time have become final," and insert in lieu thereof the following: "Other contract or obligation of the district which shall have been reduced to judgment."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 273 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Burl, Leavitt, Lewis,

Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—35.
 NOES—None.

The question being: "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 50?"

On page 2, Section 1, line 44, of the printed bill, strike out the word "and", where it appears the second time and insert in lieu thereof the following: "shall receive a salary of three thousand dollars per annum, and every city justice of the peace in any city or town of".

The roll was called and the above Assembly amendment to Senate Bill No. 50 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Weed, and Wolfe—28.

NOES—None.

Senate Bills Nos. 273 and 50 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing.

CLIO LLOYD, Chief Clerk of the Assembly.
 By LEO. FREISKER, Assistant Clerk.

Senate Bill No. 583 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years visiting any prize fight, cock fight, or place where any prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Also: Assembly Bill No. 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby" approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among these to whom such information shall be furnished.

Also: Assembly Bill No. 150—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto.

Also: Assembly Bill No. 234—An Act to provide for a school of library training.

Also: Assembly Bill No. 243—An Act to amend Section 6267 of the Penal Code, relating to the protection of deer.

Also: Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks and curbing within municipalities.

Also: Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Also: Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Also: Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Also: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees upon the streets, lanes, alleys, courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

CLIO LLOYD, Chief Clerk of the Assembly.
 By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 16, 68, 150, 234, 243, 301, 444, 606, 696, and 733 read first time.

Assembly Bill No. 16 ordered referred to Committee on Public Morals.

Assembly Bill No. 68 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 150 and 243 ordered referred to Committee on Fish and Game.

Assembly Bills Nos. 234 and 696 ordered referred to Committee on Finance.

Assembly Bills Nos. 301 and 733 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 606 and 444 ordered referred to Committee on Judiciary.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION (OUT OF ORDER).

Senator Estudillo moved that Assembly Concurrent Resolution No. 13 be taken up for consideration out of order.

Motion duly seconded and carried.

ASSEMBLY CONCURRENT RESOLUTION NO. 13.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on Monday, February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES None.

SENATOR E. I. WOLFE IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 755—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.

Also: Senate Bill No. 536—An Act to provide for the transfer from the general fund of the State Treasury to the San Francisco harbor improvement fund of the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Have had the same under consideration, and respectfully report the same back with the recommendation that they be withdrawn.

LEAVITT, Chairman.

Senate Bills Nos. 755 and 536 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Hurd asked for and was granted unanimous consent to withdraw Senate Bill No. 755—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.

Senate Bill No. 755 withdrawn, and ordered stricken from the file.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 536—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the cost of publishing the "Second San Francisco Seawall Act," and the "Indian Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Senate Bill No. 536 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the controller and treasurer thereto.

Also: Senate Bill No. 695—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Also: Senate Bill No. 229—An Act to establish and support a bureau of immigration. Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 347, 695, and 229 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of the Lake Tahoe wagon road, and for constructing, erecting and operating a sprinkling plant and appurtenances thereon.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Also: Senate Bill No. 787—An Act appropriating money for metal shelving record cases, fixtures and other accessories for the use of the Clerk of the Supreme Court.

Also: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Also: Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "Indian Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service for the Second District Court of Appeal.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 993, 898, 892, 757, 691, 221, and 516 ordered on file for second reading.

Assembly Bills Nos. 657 and 831 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 358—An Act to amend Section 1045 of the Civil Code of the State of California, relating to the transfer of future interests.

Also: Senate Bill No. 360—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 1677 relating to contracts for the payment of interest.

Also: Senate Bill No. 551—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as Section 345a, relating to the amount of interest to be charged on loans.

Also: Senate Bill No. 356—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known as Section 1678, relating to contracts to assign future or unearned salary or wage.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 358, 360, 551, and 356 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bills Nos. 358, 360, 551 and 356.

Senate Bill No. 358—An Act to amend Section 1045 of the Civil Code of the State of California, relating to the transfer of future interests.

Senate Bill No. 360—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 1677, relating to contracts for the payment of interest.

Senate Bill No. 551—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345a, relating to the amount of interest to be charged on loans.

Senate Bill No. 356—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as Section 1678, relating to contracts to assign future or unearned salary or wage.

Senate Bills Nos. 358, 360, 551, and 356 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred a, and section twelve hundred three b, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

Also: Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also: Senate Bill No. 624—An Act to define personal property brokers and regulate their charge and business.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 133, 797, and 624 ordered on file for second reading.

On motion of Senator McCartney, the following committee amendments to Senate Bill No. 123 were ordered printed in the Journal:

AMENDMENT No. 1.

On page 2 line 38, strike out the word "employees," and insert in lieu thereof the word "employs".

AMENDMENT No. 2.

On page 3 line 72, after the word "thereof" strike out the period (.) and insert a comma (,) and the following:

"*Provided, however,* that the contractor's recovery shall not exceed the amount specified in such void contract as the contract price thereof, and that he shall be entitled to recover upon his lien only the reasonable value of the labor done and materials and labor furnished by him, after deducting all claims of other parties for work done and materials and labor, or either or both, furnished by them to such contractor."

AMENDMENT No. 3.

On page 3, after the figures "1184", on line 3, beginning with the word "No" on line 3, strike out to and including the word "thereof", on line 35, page 4, and insert in lieu thereof the following:

"No part of the contract price shall, by the terms of any such contract, be made payable to the contractor, nor shall the same or any part thereof be paid to him prior to the completion of the work, but the whole contract price shall, by the terms of the contract, be made payable at least thirty-five days after the completion of the whole work; *provided, however,* that the owner may, in and by the terms of said contract, reserve the right to make payments during the progress of the said work, at specified times after the commencement of the work or upon the completion of the whole work, to persons other than the contractor performing labor or furnishing materials or labor, or both, for the construction of the building, improvement or structure, but such payments shall not exceed in the aggregate seventy-five per cent of the whole contract price. Such payments, when so made, shall be distributed by the owner among the persons other than the contractor performing labor or furnishing materials or labor, or both, for the construction of the building, improvement or structure, *pro rata*, in proportion to their several claims. For the purpose of enabling the owner to make such *pro rata* distributions, the contractor shall furnish and deliver to the owner at the time when each of said progress payments becomes payable a statement showing the names of all persons who have performed labor or furnished materials or labor, or both, for the construction of the building, improvement or structure, and the amount, as nearly as practicable, payable to each of said persons, for labor actually performed or furnished, or for materials actually furnished and incorporated into the building, improvement or structure, or delivered upon the ground, or for either or both, which statement shall be verified by the oath of the contractor, or some other person, and the *pro rata* distribution aforesaid shall be made by the owner in conformity with said statement.

"In case any of the persons entitled to share in such distribution shall have given the notice hereinafter provided for, requiring such owner to withhold moneys due or to become due the contractor, the amounts so required to be withheld shall not be distributed, nor shall the person giving such notice share in the distribution of progress payments, unless he shall elect to withdraw the notice so given, such withdrawal to be in writing and delivered to the owner. No person sharing in any such distribution shall be entitled to share in any subsequent distribution of progress payments until all other persons, except the contractor, performing labor, or furnishing materials or labor, or both, for the construction of the building, improvement or structure of which claims the owner has received notice by means of the contractor's statement aforesaid, shall have received a like proportion of their claims.

"When seventy-five per cent of the contract price has been so distributed, no further distribution of progress payments shall be made, and any person who neglects to give the notice hereinafter provided for, previous to the distribution of the last progress payment and whose claim is, for any reason, not included in the contractor's statement aforesaid, shall be entitled only to such a proportion of the balance of the contract price remaining in the hands of the owner as his claim bears to the entire amount of unpaid claims of all persons, other than the contractor, then entitled to share in such balance, without reference to the amounts previously distributed by the owner under the provisions of this section.

"The right of any such person to share in the said balance, or in any distribution of progress payments, shall not be enlarged or altered, nor shall the liability of the owner, or his property, be increased by reason of his having actual knowledge of the claim of such person.

"All progress-payments made by the owner in conformity with the statements furnished by the contractor as herein provided and in compliance with the provisions of this section, shall constitute payments on the contract price, and shall be valid as against the contractor and all other persons claiming the right to share in the said contract price or asserting liens against the property whereon the said building, improvement, or structure is constructed, altered or repaired.

"No payment made prior to the time when the same is due under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing, or discharging any lien in favor of any person, except the contractor but as to such liens such payment shall be deemed as if not made, and shall be applicable to such liens notwithstanding that the contractor to whom it was paid may thereafter abandon his contract or be or become indebted to the owner or reputed owner in any amount for damages or otherwise for non-performance of his contract or otherwise, unless such payment has been distributed pro rata among the persons other than the contractor performing labor or furnishing materials or labor, or both, for the construction of the building, improvement, or structure, as hereinbefore provided, or if so distributed in part only, then the same shall be valid only to the extent that the said payment has been so distributed.

"As to all liens, except that of the contractor, the whole contract price shall be payable in money, and shall not be diminished by any prior or subsequent indebtedness, offset or counter-claim in favor of the owner or reputed owner and against the contractor. No alteration of any such contract shall affect any lien acquired under the provisions of this chapter.

"In case such contracts and alterations thereof do not conform substantially to the provisions of this section, they shall be void, and the labor done and materials furnished by all persons, including the contractor, shall be deemed to have been done and furnished at the personal instance of the owner or reputed owner, and they shall have a lien for the value thereof; *provided, however*, that the contractor's recovery shall not exceed the amount specified in such void contract as the contract price thereof, and that he shall be entitled to recover upon his lien only the reasonable value of the labor done and materials and labor furnished by him, after deducting all claims of other parties for work done and materials and labor, or either or both, furnished by them to said contractor."

AMENDMENT No. 4.

On page 6, strike out all of Section 4, commencing with the word "in", on line 19, and ending with the word ", action" line 46, on page 7, inclusive.

AMENDMENT No. 5.

On page 6, line 17, after the word "incumbrance" insert the following: "of which the lien-holder had no notice and which was".

AMENDMENT No. 6.

On page 7, line 28, strike out the word "and", and insert in lieu thereof the word "any".

AMENDMENT No. 7.

On page 8, line 48, strike out the word "the" and insert in lieu thereof the word "a".

AMENDMENT No. 8.

On page 10, line 109, strike out the word "heard", and insert in lieu thereof the word "read".

AMENDMENT No. 9.

On page 10, after the figures "190", insert the following: "In any event, all claim of lien must be filed within ninety days after the completion of any such building improvement or structure, or the alteration, addition to, or repair thereof."

AMENDMENT No. 10.

On page 10, Section 6, at the end of line 10, strike out the (.), and insert in lieu thereof a (.) and insert the following: "*Provided, however*, that in cases where such completion is delayed so that at the expiration of said period of six months the said building, improvement, or structure is incomplete, and no action is pending for foreclosure of lien alleging a cessation of labor for thirty days, any lien-claimant shall be entitled to file and record a new lien, and thereafter to file successive liens at intervals of six months until such completion, or cessation of labor for thirty days, takes place, and shall be entitled to commence an action to foreclose such new lien, or liens, at any time within six months after recording same; but each of such new liens must be recorded within six months after recording the lien for which same is substituted, or the right to file or foreclose the same shall be lost."

AMENDMENT No. 11.

On page 11, line 28, after the word "record" insert the following: "In the office of the county recorder of the county, or city and county, in which such property, or some part thereof, is situated."

AMENDMENT No. 12.

On page 10, Section 6, line 3, strike out the following: "Time for filing the suit to foreclose lien".

AMENDMENT No. 13.

On page 12, line 11, strike out the word "improvements", and insert in lieu thereof the word "improvement".

AMENDMENT No. 14.

On page 12, line 18, at the beginning of the line, insert the following: "Sec. 9."

AMENDMENT No. 15.

On page 13, line 43, after the word "liens," strike out the semi-colon (;), and insert a comma (,).

AMENDMENT No. 16.

On page 13, line 49, at the beginning of the line, insert the following: "Sec. 10."

AMENDMENT No. 17.

Strike out all of Sec. 12.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 281—An Act to amend Section 397½ of the Penal Code, relating to the sale, giving or delivering of intoxicating liquors to minor children and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WEED, Chairman.

Senate Bill No. 281 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title 11 of Part III of the Political Code, to be known as Section 1197½, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 249 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 29, 1903—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 905 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 21—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state and national conventions, and prohibiting corrupt practices in such elections—

Also: Senate Bill No. 570—An Act to add a new section to the Political Code, to be

known as Section 1197c thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do not pass.

ESTUDILLO, Chairman.

Senate Bills Nos. 24 and 570 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred the contest of V. P. Pumpelly versus John P. Hare, beg leave to report as follows:

I.

That the petition does not state facts sufficient to constitute a prima facie case which will warrant the committee in opening the ballots cast at the election.

II.

That the petition does not state facts sufficient to justify the committee in ordering a recount of the ballots cast at the said election.

Therefore your committee respectfully report the same back, with the recommendation that the prayer of the said petition be denied.

ESTUDILLO, Chairman.

Report read.

Senator Curtin moved that the report of the Committee on Elections and Election Laws be adopted.

The motion was duly seconded.

The question being upon the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strohbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Whereupon the President pro tem. of the Senate declared the report adopted and the contest dismissed.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 344—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 344 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1008—An Act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Senate Bill No. 1008 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 124—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete and improve the water distributing systems at the Napa State Hospital, including the conservation of the cement reservoir for distributing purposes, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bill No. 124 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bill No. 108 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 37—An Act to amend section two thousand one hundred and forty-one of the Political Code of the State of California, relating to the powers of the State Commission in Lunacy.

Also: Senate Bill No. 81—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital and to furnish and equip said building and making an appropriation therefor.

Also: Senate Bill No. 99—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the authors be permitted to withdraw the same.

PRICE, Chairman.

Senate Bills Nos. 81, 99, and 37 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bills Nos. 81 and 99.

Senate Bill No. 81—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital, and to furnish and equip said building and making an appropriation therefor.

Senate Bill No. 99—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Senate Bills Nos. 81 and 99 withdrawn, and ordered stricken from the file.

Senator Walker asked for and was granted unanimous consent to withdraw Senate Bill No. 37—An Act to amend section two thousand one hundred and forty-one of the Political Code of the State of California, relating to the powers of the State Commission in Lunacy.

Senate Bill No. 37 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bill No. 713 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 93—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 639—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Senate Bill No. 640—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Also: Senate Bill No. 972—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Also: Senate Bill No. 714—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 716—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Also: Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 504—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to continue the work of replacing and reconstructing and re-equipping for the accommodation and treating of patients buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 93, 639, 640, 972, 896, 714, 716, 39, 43, 48, and 504 ordered referred to Committee on Finance.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 11—An Act prescribing the powers and duties of the Board of Railroad Commissioners, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor—have had the same under consideration,

and respectfully report the same back without recommendation, and that it be referred to the Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 11 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 13—An Act to regulate railroad passenger rates—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass, and that it be referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 13 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 185—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and that it be referred to Committee on Judiciary.

BATES, Chairman.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Miller asked for and was granted unanimous consent to have Senate Bill No. 185 taken up for second reading, out of order.

Senate Bill No. 185—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 19, printed bill, strike out the period (.) after the word "cars", and insert in lieu thereof a comma (,) and add the following:

Provided, That the point to which said freight is to be shipped is on the line of the railway company to which such application for cars is made or on the line of a railroad with which the railway company to which such application is made has connections and to which point it ordinarily receives freight for shipment; and *provided further*, that railway companies to which such application may be made shall not be obligated under the terms hereof to furnish cars of any class required for the transportation of the class of commodity to be shipped and for which application is made, unless it owns or usually operates such class of cars."

Amendment adopted.

Also:

On page 3, Section 4, line 11, printed bill, strike out the word "five", and insert in lieu thereof the word "six".

Amendment adopted.

Also:

On page 4, Section 5, line 23, printed bill, strike out the word "five", and insert in lieu thereof the word "six".

Amendment adopted.

Also:

On page 5, printed bill, strike out lines 26 and 27, and add a new section as follows:
"Sec. 8. This act shall apply only to shipments begun and terminating within the State of California."

Amendment adopted.

And:

On page 4, Section 7, line 12, after the word "accidents" strike out the semicolon (;), and insert in lieu thereof a period (.); also strike out all of lines 13, 14, 15, 16, 17, 18, 19, and all in line 20 to and including the word "stated."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Miller, the Secretary was directed to issue a rush order for printing Senate Bill No. 185.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: A majority of your Committee on Corporations, to whom was referred Senate Bill No. 27—An Act to repeal an Act entitled, "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass, and that it be referred to the Committee on Judiciary.

BATES, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: We the undersigned, a minority of your Committee on Corporations, to whom was referred Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Judiciary.

MILLER,
ROSEBERRY,
WALKER,
Minority.

Senate Bill No. 27 ordered referred to Committee on Judiciary.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 10—Approving the charter of the town of Berke-

ley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Concurrent Resolution No. 10 ordered on file.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 2, page 4, line 80, the word "furnish", and inserting in lieu thereof the following: the word "permit".

Also: By amending as follows: By striking out of Section 4, page 5, line 8, the words "Subdivision h of this".

Also: By amending as follows: By inserting in Section 4, page 5, line 9, after the word "Section" the words: "three of this Act".

Also: By amending as follows: By inserting in Section 5, page 6, line 19, after the word "purpose" a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 58, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889, approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases *ex officio* officers of cities.

On motion of Senator Mc'artney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highway for steam, electric, motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Martinelli as a special committee of one to amend, as follows:

On page 3, Section 1, lines 70 and 71, strike out the words "two thousand one hundred", and insert in lieu thereof the following: "two thousand four hundred".

And:

In line 87, strike out the word "ten", and insert "twenty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 684, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

On motion of Senator Sanford, Senate Bill No. 514 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt of the Sixteenth District in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-eight minutes P. M., on motion of Senator Welch, the hour of recess was extended twenty minutes.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek,

in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Estudillo as a special committee of one, to amend as follows:

By striking out of page 2, lines 19 and 20, the word "Kentucky", and inserting in lieu thereof the word "Massachusetts".

Motion read.

SPECIAL ORDER SET.

Senator Willis moved that the further consideration of the above motion to refer to special committee of one be made a special order for this day, immediately after the consideration of the file of Assembly bills.

Motion carried.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Willis the Acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge Buck of San Joaquin.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Assemblyman O'Brien of Sacramento.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. Fowler of Nebraska.

Also:

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Mayor H. T. Hazard of Los Angeles.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one a of the Penal Code of the State of California, all relating to crimes against children.

On motion of Senator Leavitt, Assembly Bill No. 8 was temporarily passed on file, to retain its place.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

On motion of Senator Leavitt, Assembly Bill No. 31 was temporarily passed on file, to retain its place.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

On motion of Senator Birdsall, Assembly Bill No. 227 was temporarily passed on file, to retain its place.

Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the words and figures "July 1st, (1913)", and insert in lieu thereof "January 1st, 1911".

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Hurd, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State Normal School Trustees.

Read third time.

On motion of Senator Black, Assembly Bill No. 604 was temporarily passed on file, to retain its place.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 228 was temporarily passed on file, to retain its place.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion of Senator Wright to refer to Senator Estudillo, as a special committee of one, to amend Senate Bill No. 226 as follows:

By striking out of page 2, lines 19 and 20, the word "Kentucky", and inserting in lieu thereof the word "Massachusetts".

The same was taken up for consideration.

Motion read previously on this day.

The question being upon the motion to refer.

The roll was called, and the motion lost by the following vote:

AYES—Senators Estudillo, Hartman, and Reilly—3.

NOES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—Senators Hartman and Reilly—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Police Commissioner Howell of San Francisco.

Also:

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Tanner of San Francisco.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to have Senate Bill No. 227 taken up for consideration out of order.

Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area of a tidal basin, for wharves, docks, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Kennedy asked for, and was granted, unanimous consent to withdraw Senate Bill No. 212—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand and over, to appoint a secretary," approved March 26, 1895.

Senate Bill No. 212 withdrawn, and ordered stricken from the file.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Willis, Senate Bill No. 572 was ordered referred to Committee on Finance.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Senate Bill No. 478 taken up for the purpose of amendment.

Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Estudillo, as a special committee of one, to amend as follows:

On page 1, Section 1, line 16, after the words "deputy surveyor-general", insert the following: "one clerk for the surveyor-general";.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 478, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Stetson, Senate Bill No. 546 was ordered referred to Committee on Finance.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright moved that Senate Bill No. 24 be taken up for immediate consideration.

Motion carried.

Senate Bill No. 24—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state, and national conventions, and prohibiting corrupt practices in such elections.

Senator Sanford moved that Senate Bill No. 24 be read a second time. The motion was duly seconded.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock p. m., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SENATOR ROSEBERRY IN THE CHAIR.

At four o'clock and eighteen minutes p. m., Senator Roseberry, of the Thirty-third District, in the chair.

SENATOR CURTIN IN THE CHAIR.

At four o'clock and fifty minutes p. m., Senator Curtin, of the Twelfth District, in the chair.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of the motion to read Senate Bill No. 24 a second time be postponed and made a special order for Wednesday, February 24, 1909, immediately after the reading of the Journal.

The question being upon the motion to postpone.

The ayes and noes were demanded by Senators Caminetti, Wright, and Walker.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Weed, Willis, Wolfe, and Wright—25.

NOES—Senators, Boynton, Caminetti, Campbell, Curtin, Holohan, Thompson, and Walker—7.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Also: Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Also: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to contract for and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation, joint levees or other joint works of reclamation.

Also: Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be made to the county treasurer of the county of Sacramento.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 680, 706, 34, 812, 648, 652, and 654 ordered on file for third reading.

ADJOURNMENT.

At five o'clock and five minutes p. m., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, February 18, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holo-

ham, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strohbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Father John H. Ellis.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 17, 1909, the further reading was dispensed with, on motion of Senator Willis.

PETITION.

The following petition was presented by the President of the Senate and ordered printed in the Journal:

MADERA, February 15, 1909.

DEAR SIR: We, the undersigned citizens of Madera County, do desire that, if possible, you will kindly give your earnest support to the following bills:

1. To raise the age of protection for girls from sixteen to eighteen years.
2. Anti-cigarette bill for boys under sixteen years.
3. Sunday rest bill.
4. Local option bill.

W. H. Dyer, J. W. Schmitz, W. I. McChesney, Thomas Houlding, Wm. Houlding, C. Barns, A. V. Koontz, R. A. Holding, A. E. Footman, and J. M. Kast.

SUSPENSION OF RULES.

Senator Wolfe moved that Rule 14, of the standing rules of the Senate, be suspended for this day.

The motion was duly seconded, and unanimously carried.

REFUSAL OF UNANIMOUS CONSENT FOR WITHDRAWAL OF BILL.

Senator Roseberry asked for unanimous consent to withdraw Senate Bill No. 24—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state, and national conventions, and prohibiting corrupt practices in such elections.

Senator Leavitt made objection thereto.

Whereupon the President of the Senate declared that unanimous consent was refused, and that Senate Bill No. 24 would retain its place on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties

may express their choice at such primary elections for United States Senator the same was taken up for consideration.

RESOLUTION.

The following resolution was offered:

By Senator McCartney:

Resolved, That Senate Bill No. 3, and all pending amendments thereto, be and the same is hereby referred to the Committee on Elections and Election Laws, with the following instructions:

First—Amend the bill so as to give an advisory vote by districts on United States Senators.

Second—Amend the bill by providing for a percentage of votes before nomination by direct vote of the people, as follows: If the highest candidate for any county or local office receives less than twenty five per cent of the vote of his party, and if the highest candidate for a state office receives less than forty per cent of the vote of his party, that the nomination shall be referred to a convention of delegates elected at the same time that candidates are voted on by direct vote.

Third—Amend the bill by providing that the convention aforesaid shall prepare the platform of the party and perfect party organization.

Resolution read.

Senator McCartney moved that the resolution be adopted.

The motion was duly seconded.

TIME FOR RECESS EXTENDED.

During the debate upon the motion, at twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright, the hour of recess was extended one hour and forty-five minutes.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At twelve o'clock and thirty-five minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The question being upon the adoption of the resolution:

The roll was called, and the resolution refused adoption by the following vote:

AYES—SENATORS Bates, Bills, Finn, Hare, Hartman, Kennedy, Leavitt, McCartney, Reily, Savage, Weed, Willis, and Wolfe—13.

NOES—SENATORS Anthony, Bell, Birdsall, Black, Baynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Holahan, Hurd, Lewis, Martinielli, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, and Wright—27.

MOTION.

Senator Wright moved to substitute the consideration of the minority report of the Committee on Elections and Election Laws on Senate Bill No. 3, for the consideration of the majority report.

Motion duly seconded and carried.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions

upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, lines 14 and 15, strike out the words "reclamation and irrigation districts", and insert in lieu thereof the following: "Any district organization not formed for municipal purposes, nor to school trustees in cities of the sixth class."

Amendment adopted.

Also:

On page 3, Section 5, line 2, insert after the word "ballot" the words "to be".

Amendment adopted.

Also:

On page 4, Section 5, lines 25 and 26, strike out the words "as representing the principles of said.....party".

Amendment adopted.

Also:

On page 5, Section 5, line 50, strike out the parentheses marks and the words "here designate the office".

Amendment adopted.

Also:

On page 5, Section 5, after line 59, insert the following: "Such verification deputies shall have all the powers and be subject to all the penalties provided by Section 1188 of the Political Code".

Amendment adopted.

Also:

On page 7, Section 5, line 138, strike out the word "office", and insert in lieu thereof the following: "officer".

Amendment adopted.

Also:

On page 8, Section 5, line 158, strike out the word "office", and insert in lieu thereof the following: "officer".

Amendment adopted.

Also:

On page 8, Section 5, line 159, after the words "and county", insert in lieu thereof the following: "or any political subdivision constituting a part of such county, city and county, or city."

Amendment adopted.

Also:

On page 8, Section 5, line 161, strike out the word "office", and insert in lieu thereof the following: "officer".

Amendment adopted.

Also:

On page 10, Section 7, line 26, strike out the period, and insert in lieu thereof the following: "or for township offices."

Amendment adopted.

Also:

On page 12, Section 12, line 30, strike out the word "fifty-four", and insert in lieu thereof the following: "forty-eight".

Amendment adopted.

Also:

On page 12, Section 12, line 33, strike out the word "thirty", and insert in lieu thereof the following: "twenty-four."

Amendment adopted.

Also:

On page 12, Section 12, line 35, strike out the word "number", and insert in lieu thereof the following: "official designation."

Amendment adopted.

Also:

On page 12, Section 12, line 38, after the word "election", insert the following: "the instructions to voters shall be printed in ten-point gothic type."

Amendment adopted.

Also:

On page 13, Section 12, line 48, strike out the word "number", and insert in lieu thereof the following: "official designation."

Amendment adopted.

Also:

On page 13, Section 12, line 50, after the words "may be", insert the following: "and the date of primary election."

Amendment adopted.

Also:

On page 13, Section 12, line 51, strike out the word "ten", and insert in lieu thereof the following: "twelve".

Amendment adopted.

Also:

On page 13, Section 12, line 52, strike out the words "eight-point roman", and insert in lieu thereof the following: "ten-point gothic."

Amendment adopted.

Also:

On page 14, Section 12, lines 101 and 102, strike out the words "grouped and made to alternate on the ballot, as provided by Section 13 of this act", and insert in lieu thereof the following: "in alphabetical order according to surname."

Amendment adopted.

Also:

On page 14, Section 12, line 109, strike out the word "eight", and insert in lieu thereof "ten."

Amendment adopted.

Also:

On page 15, Section 12, line 117, strike out the word "gothic", and insert in lieu thereof the following: "roman."

Amendment adopted.

Also:

On page 15, Section 12, line 131, strike out the word "eight", and insert in lieu thereof the following: "twelve."

Amendment adopted.

Also:

On page 15, Section 12, line 140, strike out the word "number", and insert in lieu thereof the following: "official designation."

Amendment adopted.

Also:

On page 15, Section 12, line 148, strike out the words "one blank space", and insert in lieu thereof the following: "as many blank spaces."

Amendment adopted.

Also:

On page 15, Section 12, line 149, after the word "apart", all the remainder of the paragraph to line 157, on page 16, and insert in lieu thereof the following: "as there are delegates to be elected to the county convention of such party as shall have been previously appointed by the county committee of such party and which shall be preceded by the words "delegates to county convention", "vote for one" or "vote for two" or more as the case may be, according to such appointments, in which blank spaces the voter may write or paste the name or names of qualified electors of his party as delegates to the county convention of such party."

Amendment adopted.

Also:

On page 16, insert between lines 156 and 157 the following: "The ballot shall be printed on the same leaf with the stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one-half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county: *provided*, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one."

Amendment adopted.

Also:

On page 16 strike out lines 157 and 158, and insert in lieu thereof the following: "The official ballots of each political party shall be made up in blocks of 100 ballots in the manner provided by law for official election ballots, and shall be printed in substantially the following form:"

Amendment adopted.

Also:

On page 17, Section 13, strike out all of Section 13.

Amendment adopted.

Also:

On page 17, Section 14, line 10, strike out the period, and insert in lieu thereof the following: "; but such sample ballots need not be mailed to the voters".

Amendment adopted.

Also:

On page 17, Section 14, line 11, strike out the word "forwith", and insert in lieu thereof the following: "forthwith".

Amendment adopted.

Also:

On page 17, Section 14, line 24, strike out the words "On the tenth day" and capitalize "Before".

Amendment adopted.

Also:

On page 17, Section 14, lines 25 and 26, strike out the words "correct any errors or omissions in the ballot."

Amendment adopted.

Also:

On page 17, Section 14, line 26, strike out the word "same", and insert in lieu thereof the following: "official ballot".

Amendment adopted.

Also:

On page 18, Section 14, line 37, strike out the words "distribute the sample and", and insert in lieu thereof the following: "publish the sample ballot and to prepare and distribute the".

Amendment adopted.

Also:

On page 17 strike out "Sec. 14", and insert in lieu thereof "Sec. 13", and renumber all sections thereafter in this Act consecutively.

Amendment adopted.

Also:

On page 17 strike out "Sec. 14", and insert in lieu thereof the following: "Sec. 13".

Amendment adopted.

Also:

On page 18 strike out "Sec. 15" and "Sec. 16", and insert in lieu thereof the following: "Sec. 14" and "Sec. 15".

Amendment adopted.

Also:

On page 19 strike out "Sec. 17", "Sec. 18", and "Sec. 19", and insert in lieu thereof "Sec. 16", "Sec. 17", and "Sec. 18".

Amendment adopted.

Also:

On page 19, Section 18, line 8, strike out the word "register", and insert in lieu thereof the following: "roster".

Amendment adopted.

Also:

On page 20, Section 20, line 5, after the words "shall be", insert the following: "voted as ballots are voted at general elections".

Amendment adopted.

Also:

On page 20 strike out "Sec. 20", "Sec. 21", and "Sec. 22", and insert in lieu thereof "Sec. 19", "Sec. 20", and "Sec. 21".

Amendment adopted.

Also:

On page 21 strike out "Sec. 23", and insert in lieu thereof "Sec. 22".

Amendment adopted.

Also:

On page 21, Section 23, line 6, strike out the words "one o'clock in the afternoon", and insert in lieu thereof the following: "ten o'clock in the forenoon." Also: line 7, strike out the word "Friday" and insert in lieu thereof the word "Thursday".

Amendment adopted.

Also:

On page 21, Section 23, line 16, strike out the word "tenth", and insert in lieu thereof the following: "sixteenth".

Amendment adopted.

Also:

On page 21, Section 23, line 22, strike out the words "county committeeman", and insert in lieu thereof the following: "delegates to county and municipal conventions".

Amendment adopted.

Also:

On page 22, Section 24, lines 7 and 8, strike out the words "precinct for county committeeman, shall be the county committeeman of his party for the ensuing two years", and insert in lieu thereof the following: "district, ward or precinct for delegate shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city conventions in which such political subdivision is entitled to representation".

Amendment adopted.

Also:

On page 22, Section 24, line 16, strike out the words "county committeeman", and insert in lieu thereof the following: "delegate".

Amendment adopted.

Also:

On page 22, Section 24, after line 21, and before line 22, insert the following: "Not less than twenty-five days before the November election the Secretary of State shall certify to the county clerks or registrars of voters of each county and city and county within the State, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this Act, and whose nomination is evidenced by the compilation and statement required to be made by said Secretary of State and filed in his office as provided in section twenty-two of this Act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person and the designation of the public office for which he is so nominated".

Amendment adopted.

Also:

On page 22 strike out "Sec. 24", and insert in lieu thereof "Sec. 23".

Amendment adopted.

Also:

On page 23, Section 25, strike out the lines 1 to 11 inclusive and insert in lieu thereof the following:

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this State, or any political subdivision thereof, for the purpose of promulgating a platform and transacting such other business of the party as is not inconsistent with the provisions of this Act."

"2. A state convention shall be called in the manner following: The state central committee of any political party shall at least fifty days prior to the September primary election file a written petition signed by the chairman and secretary thereof with the Secretary of State, and mail a copy thereof to the chairman and secretary of each county central committee of said party in the State, which petition shall set forth the date and place of holding the state convention of said political party, and the number of delegates entitled to seats therein, also the number of delegates apportioned to each county, together with a brief statement of the purposes for which said convention shall be assembled. All delegates to state conventions shall be elected by county conventions, as provided in subdivision three of this section."

"3. A county convention shall be called in the manner following: The county central committee of any political party shall at least thirty days prior to each September primary election, file a written petition signed by its chairman and secretary, with the county clerk, which petition shall contain the date and place of holding such convention, the number of delegates entitled to seats therein, also the number of delegates apportioned to each election precinct in the territory which said convention will represent; also a brief statement of the purposes for which such convention is called, and the chairman and secretary of such county central committee shall mail or cause to be mailed a notice containing the substance of such petition to each committeeman of such party in the county. Such convention notice shall provide for the election of as many delegates to the state convention as shall have been apportioned by the call of the state central committee to such county, and shall also provide for the selection of a county central committee, which shall have control and management of the party campaign."

"4. City and county or municipal conventions shall be called in like manner as state and county conventions, and delegates thereto shall be elected at primary elections held in such city and county or municipality to nominate candidates for office in such political subdivisions in like manner as herein provided for the election of delegates to county conventions. In any city and county the petition calling such convention shall be filed with the registrar of voters, and in municipalities, with the secretary or clerk of the legislative body of such municipality, and the names of candidates for delegates to such conventions shall be printed in like manner and form as herein provided for county conventions. In any city and county the county committee shall be selected by the county convention, which under the provisions of this Act shall be held not later than two weeks after the September primary election for the nomination of candidates for the city and county offices."

"5. County, city and county, and municipal conventions shall be held not later than two weeks after the primary election at which delegates to such conventions are chosen, and the state convention not later than four weeks after the September election."

Amendment adopted.

Also:

On page 23 strike out "Section 25", and insert in lieu thereof "Section 24".

Amendment adopted.

Also:

On page 24, Section 26, strike out the entire section.

Amendment adopted.

Also:

On page 25, Section 28, line 9, strike out the period after the word "candidates", and insert in lieu thereof the following: "or their legally appointed representatives".

Amendment adopted.

Also:

On page 25, Section 29, line 2, after the words "Supreme Court", insert the following: "or District Courts of Appeal".

Amendment adopted.

Also:

On page 25, Section 29, line 17, strike out the words "of the Supreme Court".

Amendment adopted.

Also:

On page 25, Section 30, line 4, strike out the figures "29", and insert in lieu thereof the following: "27".

Amendment adopted.

Also:

On page 25 strike out "Sec. 27", "Sec. 28", "Sec. 29", "Sec. 30", and insert in lieu thereof "Sec. 25", "Sec. 26", "Sec. 27", "Sec. 28".

Amendment adopted.

Also:

On page 26, Section 30, lines 5 and 6, strike out the words "of the Supreme Court".

Amendment adopted.

Also:

On page 26, Section 32, line 5, strike out the figures (31), and insert in lieu thereof the following: "29".

Amendment adopted.

Also:

On page 26 strike out "Sec. 31", "Sec. 32", and insert in lieu thereof "Sec. 29", "Sec. 30".

Amendment adopted.

Also:

On page 27 strike out "Sec. 33", "Sec. 34", and insert in lieu thereof "Sec. 31", "Sec. 32".

Amendment adopted.

Also:

On page 28 strike out "Sec. 35", "Sec. 36", "Sec. 37", and insert in lieu thereof "Sec. 33", "Sec. 34", "Sec. 35".

Amendment adopted.

Also:

Offered by Senator Caminetti:

Amend by striking out of Section 5, page 6, lines 99, 100, 101, 102, and 103, the words "that he affiliated with said party at the last preceding general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at said next preceding general election, and intends to so vote at the ensuing election".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Burnett, Caminetti, Finn, Hare, Kennedy, McCartney, Reily, Savage, and Wolfe—9.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cartwright, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Bill No. 3.

APPOINTMENT OF SPECIAL COMMITTEE.

The President of the Senate announced that in accordance with the following:

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Resolved, by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on Monday, February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

He had appointed Senators Estudillo, Wright, and Holohan under the provisions of the resolution.

LEAVES OF ABSENCE.

Senator Willis was, on his own motion, granted leave of absence until Monday, February 22, 1909.

Senator Savage was, on his own motion, granted leave of absence until Wednesday, February 24, 1909.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Senator Wright, the President declared the Senate adjourned until Friday, February 19, 1909, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Friday, February 19, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the roll call, Senator Wright moved a call of the Senate.

Motion carried.

Time, ten o'clock and five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.
The doors were closed, and the Secretary was directed to call the roll.
The roll was called, and the following answered to their names:

Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Lewis, McCartney, Miller, Rush, Sanford, Thompson, Welch, Wolfe, and Wright—19.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and ten minutes A. M., Senators Burnett and Leavitt were brought to the bar of the Senate, and, on motion of Senator Wright, they were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and twelve minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wright.

The roll of absentees was called.

Whereupon the President announced that the following answered to their names:

Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, Martinelli, Miller, Rush, Sanford, Thompson, Welch, Wolfe, and Wright—21.

Quorum present.

PRAYER.

Prayer by the Rev. Father O. J. McMullen.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 18, 1909, the further reading was dispensed with, on motion of Senator Birdsall.

LEAVES OF ABSENCE.

Senator Weed was, on motion of Senator McCartney, granted leave of absence until Monday, February 22, 1909.

Senator Roseberry was, on motion of Senator Cutten, granted leave of absence until Monday, February 22, 1909.

Senator Bates was, on motion of Senator Wright, granted leave of absence until Monday, February 22, 1909.

Senator Price was, on motion of Senator Boynton, granted leave of absence until Monday, February 22, 1909.

Senator Miller was, on his own motion, granted leave of absence until Tuesday, February 23, 1909.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. L. Hawkins.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. P. Broderick, F. J. Churchill, and J. Magnin of San Francisco.

Also:

On request of Senator Birdsall, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Price of San Francisco.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 25—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend section one of an Act approved March 20, nineteen hundred and five, entitled 'An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.'"

Also: Senate Bill No. 65—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the department of law of Leland Stanford Junior University, or the department of jurisprudence of the University of California.

Also: Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Also: Senate Bill No. 94—An Act to amend Section 1576 of the Political Code.

relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements to the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemption of lands sold the State of California for delinquent taxes.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

And report that the same have been correctly enrolled, and presented the same to the Governor on this seventeenth day of February, 1909, at five o'clock P. M.

BIRDSALL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 647—An Act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization and their powers and duties.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Eel River and the entrance thereto, and Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 594—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Senate Bill No. 194—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

Also: Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

And report that the same have been correctly engrossed.

BIRDSALL, Chairman.

Senate Bills Nos. 647, 22, 677, 804, 594, 194, and 185 ordered on file for third reading.

Senate Constitutional Amendment No. 3 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 37 ordered on file.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Wright:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

J. H. Clow, O. S. Russell, E. Tankin, D. C. Shively, D. F. Baugh, and others.

Also:

SAN DIEGO, CAL., January 24, 1909.

To the Senate and Legislature of California:

HONORABLE SIR: We respectfully request you to enact into law at this term of the Legislature, the Sunday rest day bill, which has been regularly introduced since you convened. We are bona fide voters and residents of California.

W. E. Crabtree, Mrs. Chas. Clair, Mrs. H. K. Weitzel, Mrs. S. F. Childs, Mrs. W. W. Butterfield, and others.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

L. S. Outcalt, M. D. Adams, H. G. Christopher, Jno. F. Iams, J. D. Wilson, and others.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and women and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

Ralph B. Larkin, Mrs. Edna Stearns, Esther M. Brown, D. T. Oaks, L. A. Stevenson, and others.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

Samuel J. Shaw, B. F. Woodman, Robert Blair, T. J. Fleming, M. J. Conner, and others.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

C. C. Park, H. A. McKinney, J. E. Hurlburt, F. C. Buck, S. C. Grable, and others.

Also:

By Senator Bell:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

I. N. Smith, Robert Strong, T. C. Burnside, T. L. Addena, Peter Koch, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 131—An Act to amend section four thousand two hundred twenty-five of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees, and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 160—An Act to establish a bird and arbor day.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198 and 3199 of the Political Code of the State of California, relating to trademarks.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By LEO PREISKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 131?"

On line 3, page 1, of printed bill, strike out the figure "4" when it appears the second time, and insert in lieu thereof the figure "2".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 131 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, and Wolfe—22.

NOES—None.

Senate Bill No. 131 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 88?"

Amend by striking out all that part thereof beginning with the word "having", in line 7, of Section 1, of printed bill, and ending with word "board", being the first word of line 10 thereof, the part stricken out reads as follows: "having a population of more than three thousand inhabitants, as established by the last preceding census, or established and determined in such manner as may be directed by said board."

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 88 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 160?"

Amend by inserting in Section 1, line 5, of printed bill, after the word "by" the following words: "including in the school work of the day."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 160 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti,

Campbell, Cartwright, Curtin, Cutton, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, Welch, Wolfe, and Wright—23.
 NOES—None.

Senate Bill No. 160 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 655?"

After the word "name" in line 6, of Section 1, of the printed bill, insert the following: "or at any time thereafter, and before the filing of the said trademark or name by any other person, firm or corporation."

In the absence of the author, further consideration of the question was postponed and Senate Bill No. 655 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 352—An Act to amend Section 1041 of the Political Code relating to the general permanent powers of boards of supervisors.

Also: Senate Bill No. 18—An Act to define and regulate the business of banking. And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
 By LEO PREISKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 352?"

Amend by inserting on line 278, of printed bill, the following:

"To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced and for the purpose of general sanitation."

Also:

On line 278 amend by changing the figures "36" to "37", and on line 285 change "37" to "38"; on line 292 change "38" to "39"; on line 300 change "39" to "40".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 352 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, Welch, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 352 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 18?"

On page 4, Section 10, line 8, of the engrossed bill, insert after the period, the following: "If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank."

Also:

On page 8, Section 19, line 9, of the engrossed bill, strike out, after the word "dollars" the period, and insert the following: "or if organized without a capital stock, a reserve fund of more than one million dollars."

Also:

On page 18, Section 60, line 2, of the engrossed bill, insert after the word "dollars" the following: "or, if organized without capital stock, a reserve fund of at least one million dollars."

Also:

On page 18, Section 60, line 3, of the engrossed bill, insert after the word "dollars" the following: "or said sum of one million dollars."

Also:

On page 36, Section 127, line 7, of the engrossed bill, strike out after the word "cash" the period, and insert the following: "or, if organized without capital stock that it has accumulated the requisite surplus or reserve fund."

Also:

On page 36, Section 127, line 11, of the engrossed bill, strike out after the word "cash" the period, and insert the following: "or the requisite reserve or surplus fund has been accumulated."

Also:

On page 36, Section 127, line 15, of the engrossed bill, insert after the word "cash" the following: "or that the requisite surplus or reserve fund has been accumulated or paid in in cash."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 18 by the following vote:

AYES—Senators Anthony, Bell, Birdsell, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, Welch, and Wolfe—21.

NOES—None.

Senate Bill No. 18 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Also: Senate Bill No. 258—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Senate Bills Nos. 288, 289, 361, 263, 451, and 258 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905.

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Also: Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Also: Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same of employees of twenty-one years and upwards of service by the State of California, in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Also: Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 730—An Act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of Geo. W. Bush for services as Judge of the Superior Court of Shasta County.

Also: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 193, 206, and 238 ordered to enrollment.

Assembly Bills Nos. 99, 136, 138, 442, 655, 730, and 934 read first time.

Assembly Bills Nos. 99, 655, and 730 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 136 and 138 ordered referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 442 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 934 ordered referred to Committee on Education.

NOTICE.

The following notice was given by Senator Caminetti, and ordered printed in the Journal:

I give notice that on Wednesday, February 24, 1909, I will move the Senate to discharge the Committee on Federal Relations, and special committee of two Senators, from further consideration of Senate resolutions heretofore adopted by the Senate, providing for an investigation into freight rate increase by transcontinental railroads, and express rates by Wells, Fargo & Co.'s express.

RESOLUTIONS.

The following resolutions were offered:

By Senator Boynton:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms, for the sum of ninety-nine dollars and twenty-five cents (\$99.25) out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee for the Lincoln memorial exercises, which were held on Friday afternoon and evening, February 12, 1909, in the Assembly Chamber, itemized account of which is as follows:

William Durant, decorations and labor (one half).....	\$48 00
Navlet Brothers, plants and flowers (one half).....	16 25
Kohler & Chase, piano (one half).....	5 00
W. F. Jackson, moving Lincoln's picture (one half).....	5 00
Music (one half).....	25 00

Total \$99 25

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Caminetti:

Resolved, That the Committee on Federal Relations be, and is hereby, discharged from further consideration of Senate Joint Resolution No. 7, introduced January 29, 1909, and referred to said committee on the same day, and said committee is hereby requested to return said resolution to the Senate.

Resolution read.

Senator Caminetti moved that the resolution be adopted.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of the motion to adopt the above resolution be made a special order for Wednesday, February 24, 1909, immediately after the reading of the Journal.

Motion carried.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Welch:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 234 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing parents during reproduction and making an appropriation therefor.

Also: Senate Bill No. 33—An Act to establish the School of Trades of the State of California, in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof for the use and occupancy of said School of Trades, and making an appropriation therefor.

Also: Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 939, 33, and 38 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with committee substitutes, and recommend that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 772, 774, and 882 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 215 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Also: Senate Bill No. 95—An Act to appropriate the sum of \$12,155 to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the board of harbor commissioners of the port of Eureka.

Also: Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 990, 95, 641, and 322 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 441—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247a, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal.

Also: Senate Bill No. 443—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal.

Also: Senate Bill No. 440½—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247, relating to proceedings after verdict when the trial judge is unable or refuses to act.

Also: Senate Bill No. 439—An Act to repeal Sections 1171, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Senate Bill No. 435—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people.

Also: Senate Bill No. 433—An Act to amend Section 1246 of the Penal Code of the State of California, providing for the record on appeal by a defendant.

Also: Senate Bill No. 432—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.

Also: Senate Bill No. 430—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.

Also: Senate Bill No. 429—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.

Also: Senate Bill No. 427—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final.

Also: Senate Bill No. 426—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.

Also: Senate Bill No. 424—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Also: Senate Bill No. 423—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Also: Senate Bill No. 422—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial.

Also: Senate Bill No. 421—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.

Also: Senate Bill No. 420—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for new trial.

Also: Senate Bill No. 419—An Act to amend Section 1369 of the Penal Code, relating to the trial of the question of insanity.

Also: Senate Bill No. 418—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.

Also: Senate Bill No. 417—An Act to amend Section 1191 of the Penal Code of the State of California, relating to the time for pronouncing judgment.

Also: Senate Bill No. 410—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof.

Also: Senate Bill No. 408—An Act to amend Section 2051 of the Code of Civil Procedure.

Also: Senate Bill No. 400—An Act to amend Section 802 of the Penal Code of the State of California, relating to the statute of limitations.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

CURTIN, Acting Chairman.

Senate Bills Nos. 441, 443, 440, 439, 435, 433, 432, 430, 429, 427, 426, 424, 423, 422, 421, 420, 419, 418, 417, 410, 408, and 400 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Campbell asked and was granted unanimous consent to withdraw Senate Bills Nos. 441, 443, 440, 439, 435, 433, 432, 430, 429, 427, 426, 424, 423, 422, 421, 420, 419, 418, 417, 410, 408, and 400.

Senate Bill No. 441—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247a, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal.

Senate Bill No. 443—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal.

Senate Bill No. 440—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247, relating to proceedings after verdict when the trial judge is unable or refuses to act.

Senate Bill No. 439—An Act to repeal Sections 1171, 1174, 1175, and 1177 of the Penal Code of the State of California relating to bills of exceptions on appeal.

Senate Bill No. 435—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people.

Senate Bill No. 433—An Act to amend Section 1246 of the Penal Code of the State of California, providing for the record on appeal by a defendant.

Senate Bill No. 432—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.

Senate Bill No. 430—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.

Senate Bill No. 429—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.

Senate Bill No. 427—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final.

Senate Bill No. 426—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.

Senate Bill No. 424—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Senate Bill No. 423—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.

Senate Bill No. 422—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial.

Senate Bill No. 421—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.

Senate Bill No. 420—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for new trial.

Senate Bill No. 419—An Act to amend Section 1369 of the Penal Code, relating to trial of the question of insanity.

Senate Bill No. 418—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.

Senate Bill No. 417—An Act to amend Section 1191 of the Penal Code of the State of California, relating to the time for pronouncing judgment.

Senate Bill No. 410—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof.

Senate Bill No. 408—An Act to amend Section 2051 of the Code of Civil Procedure.

Senate Bill No. 400—An Act to amend Section 802 of the Penal Code of the State of California, relating to the statute of limitations.

Senate Bills Nos. 441, 443, 440, 439, 435, 433, 432, 430, 429, 427, 426, 424, 423, 422, 421, 420, 419, 418, 417, 410, 408, and 400 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Assembly Bill No. 373—An Act to add two new sections to the Political Code, "to be numbered 3196b and 3195b," relating to the protection of farm names.

Also: Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered —, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

CURTIN, Acting Chairman.

Senate Bills Nos. 67, 854, and 1075 ordered on file for second reading.

Assembly Bill No. 373 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 1042 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and terms of office—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

RUSH, Chairman.

Senate Bill No. 455 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing salaries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Finance.

RUSH, Chairman.

Assembly Bill No. 274 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued thereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,'" approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Also: Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

RUSH, Chairman.

Senate Bill No. 995 ordered on file for second reading.

Assembly Bill No. 626 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Relative to transportation rates, directing the Attorney General to bring suit to adjust the same, and making an appropriation out of the contingent fund of the Senate and Assembly therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that same be referred to the Committee on Judiciary, and as same calls for an appropriation it be then referred to the Committee on Finance.

BURNETT, Chairman.

Senate Joint Resolution No. 16 ordered referred to Committee on Judiciary, and thereafter to Committee on Finance.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 331—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

Also: Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

Have had the same under consideration, and respectfully report the same back, without recommendation.

WELCH, Chairman.

Senate Bills Nos. 331 and 728 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1137—An Act to amend section four hundred and fifty-seven of the Political Code—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Committee on Finance.

THOMPSON, Chairman.

Senate Bill No. 1137 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1056—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Also: Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

Also: Senate Bill No. 1084—An Act to amend section four thousand two hundred and forty-two of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Also: Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Senate Bills Nos. 1056, 1084, and 1085 ordered on file for second reading.

Assembly Bill No. 296 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Also: Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791, to be paid to the county treasurer of the county of Sacramento.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 1108 ordered on file for second reading.

Assembly Bills Nos. 728, 647, 440, and 710 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WALKER, Chairman.

Senate Bill No. 530 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 294 ordered referred to Committee on Judiciary.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 458—An Act to provide for the levy and collection of tax on income—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MCCARTNEY, Chairman.

Senate Bill No. 458 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MCCARTNEY, Acting Chairman.

Senate Bill No. 886 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 717 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Also: Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, p. 32.)

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do not pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 515 and 776 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, with the recommendation that the committee substitute for said bill do pass.

ROSEBERRY, Chairman.

Senate Bill No. 26 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the costs for such insurance from the revolving fund for the purchase of jute—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Senate Bill No. 934 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 592 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State Prison at Folsom, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

MARTINELLI, Chairman.

Senate Bill No. 888 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MARTINELLI, Chairman.

Senate Bill No. 721 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

MARTINELLI, Chairman.

Senate Bill No. 933 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending Section 5, Article XII of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that same be adopted.

CUTTEN, Chairman.

Senate Constitutional Amendment No. 44 ordered on file.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 145—An Act to amend Section 1876 of the Political Code of the State of California, referring to contracts by school trustees—report that we have met a like committee of the Assembly, consisting of Assemblymen Sackett, Bohnett, and Pelsley, and we report that the conference committee agreed upon and recommend that the Assembly concur in Senate amendment to said bill.

BLACK,
THOMPSON,
BIRDSALL,

Senate Committee on Conference.

Report read, and on motion of Senator Leavitt adopted.

LEAVE OF ABSENCE.

Senator Sanford was, on his own motion, granted leave of absence until Tuesday, February 23, 1909.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Leavitt, the second reading file of Senate bills was taken up.

Senate Bill No. 500—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

On motion of Senator Wolfe, Senate Bill No. 500 was temporarily passed on file, to retain its place.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Stetson asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 11 taken up out of order for the purpose of amendment.

SENATE CONSTITUTIONAL AMENDMENT No. 11.

A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties.

The Legislature of the State of California at its regular session, commencing on the 4th day of January, A. D. in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section three of article eleven of the Constitution of the State of California be amended so as to read as follows:

The Legislature by general and uniform law, may provide for the formation of new counties, *provided however*, that no new county shall be established which will reduce any county to a population of less than eight thousand, nor shall a new county be formed containing a population of less than five thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided, *and provided further* that nothing in this section shall prevent the Legislature from providing by general laws for the consolidation into one city and county government of two or more contiguous municipal corporations which have an aggregate population of not less than two hundred thousand and an aggregate assessed valuation of not less than one hundred million dollars. Every county which shall be enlarged or created from territory taken from any other county or counties and every consolidated city and county hereafter created shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

During the reading of the Senate constitutional amendment the following amendments were submitted by committee:

On page 1, line 8, at the commencement of the line insert the following: "Sec. 3".

Amendment adopted.

And:

On page 1, line 15, strike out line 15, and all following, and insert in lieu thereof the following:

"*Further provided*, That the Legislature may, without regard to anything herein contained, provide by general and uniform laws for the formation into a consolidated city and county government of any part of a county or counties comprising contiguous municipal corporations, with or without the lands adjacent to said corporations or any of them, and not embraced within the limits of a municipal corporation. No such consolidated city and county shall be formed unless the territory included therein shall have a population of not less than two hundred and fifty thousand and an assessed valuation of not less than one hundred and twenty-five million dollars. Nor shall such consolidation be had unless three fifths of the qualified electors of each municipal corporation affected and of any land adjacent thereto, proposed to be included, voting separately at an election called for that purpose, shall approve such consolidation.

"Every municipality so consolidated shall comprise at least one ward of such consolidated city and county, and it shall be competent for the Legislature to provide by such general and uniform law local exercise by wards or combinations or wards of such police and other powers as the Legislature shall determine to be proper.

"Every county and city and county enlarged or created from any other county or counties shall be liable for its just proportion of the existing debts and liabilities of the county or counties from which it shall be taken."

Amendment adopted.

Senate Constitutional Amendment No. 14 read, ordered to print, and engrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 14.

SPECIAL ORDER SET.

Senator Stetson moved that the consideration of Senate Constitutional Amendment No. 14 be made a special order for Thursday, February 25, 1909, immediately after the reading of the Journal.

Motion carried.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations.

SPECIAL ORDER SET.

Senator McCartney moved that the further consideration of Senate Bill No. 245 be made a special order for Thursday, February 25, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such Penal Code two new sections, to be numbered Section 626*n* and Section 626*o*, relating to the protection and preservation of game and fish.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "first", and insert the word "fifteenth".

Amendment adopted.

Also:

On page 1, Section 1, line 6, strike out the words: "or any valley quail".

Amendment adopted.

Also:

On page 1, Section 1, line 7, after the semicolon following the word "Limicolæ" insert the following: "or who, between the first day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any desert or valley quail;"

Amendment adopted.

Also:

On page 3, Section 6, line 6, strike out all of line 6, and insert the following: "or shore birds, for the purpose of shooting at, or killing any".

Amendment adopted.

Also:

On page 3, Section 7, after the figures and letter "6260" strike out all the balance of said section, and insert in lieu thereof the following: "Every person who in the State of California shoots at any kind of wild duck from any launch or other boat propelled by steam, gasoline, naphtha, electricity or other power, while said launch or boat is in motion, is guilty of a misdemeanor."

Amendment adopted.

And:

On page 3, strike out all of Section 9.

Amendment adopted.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 466—An Act to amend section one thousand and ninety seven of the Political Code of the State of California, relative to the registration of voters.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 24, after the word "naturalization" insert the following: "In the event that such naturalized citizen was naturalized in the county or city and county in which he seeks to register, or in the event that he was previously registered within the preceding eight years within the county or city and county in which he seeks to register, and his certificate of naturalization has not been revoked, he shall not be required to produce his certificate of naturalization, nor to make such affidavit of lost certificate in lieu thereof."

Amendment adopted.

And:

On page 3, of the printed bill, strike out all of line 56.

Amendment adopted.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

During second reading of bill, the following amendments were offered by Senator Estudillo:

On page 2, of the printed bill, Section 1, line 10, strike out the words "part of county", and substitute therefor the words "that portion of any judicial township within such county, which is outside of any incorporated city or town".

Amendment adopted.

Also:

On page 2, of the printed bill, Section 2, line 16, strike out the word "this", where it now is, and insert the word "this" after the quotation marks and before the word "city", in both places where the word city occurs in said line. Also insert the word "this", after the quotation marks, and before the word "town", line 17, of Section 2.

Amendment adopted.

Also:

On page 2, of the printed bill, Sec. 2, lines 17 and 18, strike out the words "county outside of incorporated cities and towns therein", substitute therefor the words "that portion of any judicial township in this county which is outside of any incorporated city or town".

Amendment adopted.

Also:

On page 3, of the printed bill, Section 3, line 14, strike out the words "added to or".

Amendment adopted.

Also:

On page 3, of the printed bill, Section 6, line 12, strike out the words "county or city", and substitute therefor the word "municipal".

Amendment adopted.

Also:

On page 4, of the printed bill, Section 9, strike out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and substitute therefor the following:

Sec. 9. The question shall be placed upon the ballot in accordance with the provisions of Section 1197 of the Political Code for submitting questions to the vote of the people. The wording of the ballot shall be as follows:

Shall (here insert the words "this city", "this town", "this township", or "that part of this township" which is outside of any incorporated city or town", as the case may be) be no-license territory?

Yes.

No. |

Amendment adopted.

Also:

On pages 5 and 6, of the printed bill, Section 12, strike out lines 2 to 35 inclusive, and substitute therefor the following: "at such election, in any city, city and county, or town, or in that portion of any judicial township which is outside of any incorporated city or town, are in the affirmative, and if such city, city and county, town, township or part of township is not already no-license territory, it shall become such on the nineteenth day after the date of such election, and the governing body having jurisdiction thereof shall enter an order upon its records, declaring that it has become no-license territory; but a".

Amendment adopted.

Also:

On page 6, of the printed bill, Section 16, line 1, between the word "sections" and the figures "14", insert the figures "13" and a comma.

Amendment adopted.

And:

On page 7, of the printed bill, add to Section 16, the following:

"Fifth—Any person selling viticultural products made from grapes grown in this State, when such products are sold on the premises where manufactured, in quantities of not less than five gallons, none of which is allowed to be drunk on or about the premises where sold.

"Sixth—Any person selling beer at the brewery where manufactured when sold in quantities of not less than five gallons, none of which is allowed to be drunk on or about the premises where sold."

Amendment adopted.

Also:

On page 8, of the printed bill, Section 20, line 10, strike out the words "The provisions of this section"; also strike out lines 11 and 12 of Section 20.

Amendment adopted.

Also:

On page 8, of the printed bill, Section 21, line 4, insert after the word "city" and before the comma the words "or town"; and in line 8 of Section 21, insert after the word "city" and before the comma the words "or town".

Amendment adopted.

And:

On page 8, of the printed bill, Section 21, line 10, after the word "liquors", insert a comma and the following: "except as provided in Section 16 herein".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, relating to the use of text-books in the public schools.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, strike out the word "other", and insert in lieu thereof the word "county".

Amendment adopted.

And:

On page 1, Section 1, line 8, after the word "fund", insert the words "of the district".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 938—An Act to amend Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to

establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act." approved March 20, 1905.

Senate Bill No. 938 withdrawn, and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, strike out the letter "c" after the figures "402", and insert in lieu thereof the letter "e."

Amendment adopted.

Also:

On page 1, Section 1, in line 2, strike out the letter "c" after the figures "402", and insert in lieu thereof the letter "e".

Amendment adopted.

And:

On page 1, Section 1, strike out lines 4 to 16, both inclusive, and lines 17 and 18, on page 2, and insert in lieu thereof the following:

"402c. Any railroad corporation or any person engaged in the railroad transportation business in this State as a common carrier, and any officer, agent or other employee of any railroad corporation, or of any such person engaged in the railroad transportation business in this State as a common carrier, that carries or transports, or causes to be carried or transported, any dynamite, vigorite, nitroglycerine, chemical compounds of an explosive nature, hercules or giant powder, or other high explosives, by rail transportation methods operated, or run, in connection with, or in freight or other cars attached to railroad trains having attached thereto cars or coaches wherein passengers are carried and then containing passengers, is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Senate Bill No. 184 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 853—An Act to prevent persons from unlawfully forming, organizing, installing, and constituting secret societies, orders or other organizations having names, titles or insignia similar to or resembling those secret societies, orders, and organizations which have been formed and organized in this State for more than ten years prior to the first day of January, 1909, and adding a new section to the Penal Code of California, to be designated and known as Section 532a.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out everything after the words "An Act", and insert in lieu thereof the following: "To amend the Penal Code of California by adding a new section thereto, to be numbered 532a, relating to spurious secret societies."

Amendment adopted.

Also :

On page 1, Section 1, line 2, after the word "California" strike out the word "and", and insert in lieu thereof the words "to be".

Amendment adopted.

Also :

On page 1, Section 1, line 3, strike out the period after the letter "a", and insert in lieu thereof a comma and the words "to read as follows:"

Amendment adopted.

Also :

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

And :

On page 2, Section 1, strike out all of line 22 and the balance of the bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in justices' courts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Senate Bill No. 944 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers of the thirty-sixth and one-half class.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by inserting in line 5 thereof after the word "officers" the words "in counties".

Amendment adopted.

Also:

On page 1, line 3, strike out the "period" following the letter "a", and insert in lieu thereof a "comma" and the following "and to read as follows:"

Amendment adopted.

Also:

On page 2, line 47, strike out the word "of", and insert in lieu thereof the word "or".

Amendment adopted.

And:

On page 3 of the printed bill, strike out of lines 88 and 89 the words "on the sixth day of November in each township", and insert in lieu thereof the following: "in each township at the general election next preceding".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

During second reading of bill, the following amendment was submitted by committee:

On page 4, strike out all of lines 113 and 114, and insert in lieu thereof the following: "shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 725—An Act amending an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

During second reading of bill, the following amendments were submitted by committee:

Strike out of the title the word "amending", on page 1, line 1. of the printed bill, and insert in lieu thereof the following words: "to amend Section 1. of".

Amendment adopted.

Also:

Strike out all of Section 1, and insert after the colon following the enacting clause on page 1, of the printed bill, the following:

"Section 1. Section 1 of an act entitled an act to provide for the transfer to the State of California by owners of patented lands therein, of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such right, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907, is hereby amended to read as follows:

"Section 1. Any person, firm or corporation, owning and in possession of patented lands in the State of California, embracing an area of not less than one hundred and sixty acres, may transfer, by an instrument in writing duly acknowledged before a notary public or other officer authorized under the laws of this State to take acknowledgments, to the State of California, the right to preserve and protect all wild game on the land described therein for a period of not less than one year nor more than five years. Such an instrument shall be filed with the State Board of Fish Commissioners, whereupon such board shall declare the lands described in such instrument a state game preserve, and thereafter for the period named therein shall for all the purposes relating to the preservation and protection of wild game be under the control of said board. Such preserve shall be numbered in the order of the filing of the instrument of transfer thereof. A copy of the declaration establishing the same shall, within the seal of said board, be issued to such person, firm or corporation, transferring the right therefor. During the period named in such instrument it shall be unlawful for any person to hunt, pursue, shoot, take, kill or destroy any wild game within the exterior boundaries thereof. The State Board of Fish Commissioners shall cause to be prepared suitable notices to be posted under its direction on each state game preserve and such notice shall describe the lands constituting the same, and shall contain a warning to all persons to refrain for the period named therein from violations of the provisions of this act, *provided, however*, that no provision in this act contained, shall be construed as prohibiting or preventing any person or persons from hunting or taking fish and wild game from or on navigable water.

Amendment adopted.

And:

Strike out all of Sections 2 and 3, on pages 2 and 3, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1210—Granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Stetson, Senate Bill No. 1210 was ordered re-referred to Committee on Public Buildings and Grounds.

Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Senate Bill No. 709 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Senate Bill No. 710 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

During second reading of bill, the following amendments were submitted by committee:

On page 1, after the enacting clause, insert the following:

"Section 1. Section two hundred and sixty-eight of the Political Code of California is hereby amended to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, strike out the word "Section".

Amendment adopted.

Also:

On page 1, lines 12 and 14, strike out the parenthetical marks.

Amendment adopted.

And:

On page 2, lines 29 and 31, strike out the parenthetical marks, and insert after the word "day", on line 31, a comma.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 563—An Act to amend an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce, and all classes of business in this State," approved March 23, 1907.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill to read as follows: "An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State."

Amendment adopted.

Also:

On page 2, Section 1, line 37, after the word "are" insert the following words: "to conduct its operation or".

Amendment adopted.

Also:

On page 2, Section 1, line 38, after the word "be" insert the word "so".

Amendment adopted.

Also:

On page 2, Section 1, line 38, after the word "marketed" strike out the words "at a profit".

Amendment adopted.

Also:

On page 6, add a new section to read as follows:

"Sec. 13. Labor, whether skilled or unskilled, is not a commodity within the meaning of this Act."

Amendment adopted.

And:

On page 6, add a new section to read as follows:
"Sec. 14. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Senate Bill No. 336 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Senate Bill No. 337 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 722—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public highways.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 574—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 550—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345, relating to concealing the actual rate of interest for the use of money.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, lines 4 and 5, strike out the words "requires any debtor or person borrowing money to give, or who", and insert in lieu thereof the following:
"for any valuable consideration, knowingly".

Amendment adopted.

And:

On page 1, Section 1, line 6, strike out the comma after the word "writing".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 625—An Act to amend an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collaterals, inheritances, bequests, and devises to provide for the collection and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

During second reading of bill, the following amendments were submitted by committee:

On page 2, strike out lines 47 and 48, and insert in lieu thereof the following: "be first deducted from the total value of the estate administered upon, and the clear net value of the estate distributed to each person, after the exemption above provided for have been deducted, shall be then subject to the taxes provided for in this Act."

Amendment adopted.

Also:

On page 3, strike out all of lines 49 to 55, inclusive.

Amendment adopted.

Also:

On page 3, after the word "beneficiary", on line 22, insert the words "whose distributive share is to be".

Amendment adopted.

Also:

After the word "amend", in line 1, of the title, insert the following: "Sections 1, 14, and 19 of".

Amendment adopted.

And:

After the figures "1905", in last line of the title, strike out the period (.) and insert the following words: "and to add a new section thereto, to be known and numbered as Section 14½".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 948—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the

construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 28, of the printed bill, strike out the word "county", and insert in lieu thereof the following: "proposed storm water district, or if there is no newspaper so published and circulated, then some newspaper of general circulation published and circulated in each county in which any part of said proposed district is situated".

Amendment adopted.

Also:

On page 2, Section 2, line 2, of the printed bill, after the word "newspaper", insert in lieu thereof the words "or newspapers".

Amendment adopted.

Also:

On page 2, Section 2, line 16, of the printed bill, after the word "particulars", insert the following: "Said clerk shall send a copy of said notice by registered mail, postage prepaid, to each owner of land in the proposed district whose name appears as such on the last completed assessment roll of the county or counties in which said proposed district lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address, or if it be not known then at the county seat of the county in which his land lies. Said clerk shall make and file in his office an affidavit of such mailing showing the names and addresses of the persons to whom such notices were sent, which shall be prima facie evidence that such notices were mailed as herein required".

Amendment adopted.

And:

On page 17 strike out all of Section 30, of the printed bill, and insert in lieu thereof the following:

"Sec. 30. The provisions of this Act shall be liberally construed to promote the objects thereof. This Act may be designated and referred to as the 'Storm Water District Act of 1909', and shall take effect and be in force upon its passage and approval."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 291—An Act granting the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the sea-wall line and pierhead line of San Diego harbor, as said lands are now established or as they may be hereafter established.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

Senate Bill No. 444 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners, approved March 17, 1880,' approved March 19, 1889,' conferring further powers upon the said

board, approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905."

During second reading of bill, the following amendments were submitted by committee:

Strike out entire title and insert in lieu thereof the following:

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905.

Amendment adopted.

And:

On page 1, printed bill, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, and 11, and insert in lieu thereof the following:

"Section 1. An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners,' approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon the said board,' approved March twenty-sixth, eighteen hundred and ninety-five," approved March twenty-third, nineteen hundred and one,' approved March eighteenth, nineteen hundred and five," is amended so as to read as follows:"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 537—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

During the second reading of bill, the following amendments were submitted by committee:

On page 3, line 94, strike out the word "then", and insert in lieu thereof the word "thence".

Amendment adopted.

Also:

On page 6, line 185, strike out the word "nglect", and insert in lieu thereof the word "neglect".

Amendment adopted.

And:

On page 10, line 330, strike out words "board of engineers", and insert in lieu thereof "board and engineer".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 668.—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 669.—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 670.—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 912.—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 779.—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 831.—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 276.—An Act to add a new section to the Political Code, relating to the submission of amendments to the Constitution.

During second reading of bill, the following amendments were submitted by committee:

Amend title by striking out the comma after the word "code", and insert the following: "of the State of California, to be numbered 1195a."

Amendment adopted.

Also:

On page 1, line 3, strike out the word "section".

Amendment adopted.

Also:

On page 1, strike out all of Section 2.

Amendment adopted.

And:

On page 1, line 2, strike out the comma after the word "code", and insert "of the State of California,".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 982.—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the

bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney-General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

During second reading of bill, the following amendments were submitted by committee:

On page 2, of the printed bill, in line 15, also in line 23, also in line 25, also in line 26, also in line 28, also in line 29, also in line 41, strike out the figure and letters "2nd", and insert in each instance in lieu thereof the word "third."

Amendment adopted.

Also:

On page 3, Section 2, of the printed bill, strike out of line 6 the figure and letters "2nd", and insert in lieu thereof the word "third".

Amendment adopted.

And:

On page 8, of the printed bill, strike out all of Sections 12 and 13, and insert in lieu thereof the following:

"Sec. 12. It shall be the duty of the Secretary of State to have this Act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on Controller's warrants duly drawn for that purpose.

"Sec. 13. This Act shall be known and cited as the State Highways Act."

"Sec. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 777—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation hereof.

Senate Bill No. 777 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885.'" approved March 23, 1901, by amending Sections 12 and 13.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 347 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 695—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 2, line 2, page 1, after the word "of" by striking out the word "fifty", and inserting in lieu thereof the word "twenty-five".

Amendment adopted.

Also:

Amend line 3, Section 2, page 1, by striking out the figures "\$50,000".

Amendment adopted.

Also:

Amend line 5, Section 2, page 1, by inserting a ";" after the word "dollars".

Amendment adopted.

And:

Strike out all of lines 6, 7, and 8, of Section 2, page 1, and insert in lieu thereof the following: "on July 1, 1909, ten thousand dollars, and on January 1, 1910, ten thousand dollars."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 229—An Act to establish and support a Bureau of Immigration.

During second reading of bill, the following amendments were submitted by committee:

On page 2, of printed bill, line 22, at top of page, strike out the following: "Query: Shall", and insert in lieu thereof the following: "To the end that".

Amendment adopted.

Also:

On line 26, page 2, strike out the interrogation point after the word "immigration", and insert in lieu thereof the following: "; be it resolved that".

Amendment adopted.

And:

On page 4, Section 13, line 1, strike out the words "ten thousand", and insert in lieu thereof the following: "thirteen thousand eight hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section "twelve hundred a," and "section twelve hundred three b," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 38, strike out the word "employes", and insert in lieu thereof the word "employs".

Amendment adopted.

Also:

On page 3, line 72, after the word "thereof" strike out the period (.) and insert a comma (,) and the following: "*Provided, however,* that the contractor's recovery shall not exceed the amount specified in such void contract as the contract price thereof, and that he shall be entitled to recover upon his lien only the reasonable value of the labor done and materials and labor furnished by him, after deducting all claims of other parties for work done and materials and labor, or either or both, furnished by them to such contractor."

Amendment adopted.

Also:

On page 3, after the figures "1184", on line 3, beginning with the word "No", on line 3, strike out to and including the word "thereof", on line 35, page 4, and insert in lieu thereof the following:

"No part of the contract price shall, by the terms of any such contract, be made payable to the contractor, nor shall the same or any part thereof, be paid to him prior to the completion of the work, but the whole contract price shall, by the terms of the contract, be made payable at least thirty-five days after the completion of the whole work: *provided, however,* that the owner may, in and by the terms of said contract, reserve the right to make payments during the progress of the said work, at specified times after the commencement of the work, or upon the completion of the whole work, to persons other than the contractor performing labor or furnishing materials or labor, or both, for the construction of the building, improvement or structure, but such payments shall not exceed in the aggregate, seventy-five per cent of the whole contract price. Such payments when so made, shall be distributed by the owner among the persons other than the contractor performing labor or furnishing materials or labor, or both, for the construction of the building, improvement or structure, pro rata, in proportion to their several claims. For the purpose of enabling the owner to make such pro rata distributions, the contractor shall furnish and deliver to the owner at the time when each of said progress-payments becomes payable, a statement showing the names of all persons who have performed labor, or furnished materials or labor, or both, for the construction of the building, improvement or structure, and the amount, as nearly as practicable, payable to each of said persons for labor actually performed or furnished, or for materials actually furnished and incorporated into the building improvement or structure, or delivered upon the ground, or for either or both, which statement shall be verified by the oath of the contractor, or some other person, and the pro rata distribution aforesaid shall be made by the owner in conformity with said statement.

"In case any of the persons entitled to share in such distribution shall have given the notice hereinafter provided for, requiring such owner to withhold moneys due or to become due the contractor, the amounts so required to be withheld shall not be distributed, nor shall the person giving such notice share in the distribution of progress-payments, unless he shall elect to withdraw the notice so given, such withdrawal to be in writing and delivered to the owner. No person sharing in any such distribution shall be entitled to share in any subsequent distribution of progress-payments until all other persons, except the contractor, performing labor, or furnishing materials or labor, or both, for the construction of the building, improvement or structure, of whose claims the owner has received notice by means of the contractor's statement aforesaid, shall have received a like proportion of their claims.

"When seventy-five per cent of the contract price has been so distributed, no further distribution of progress-payments shall be made; and any person who neglects to give notice hereinafter provided for, previous to the distribution of the last progress-payment, and whose claim is, for any reason, not included in the contractor's statements aforesaid, shall be entitled only to such a proportion of the balance of the contract price remaining in the hands of the owner as his claim bears to the entire amount of unpaid claims of all persons, other than the contractor, then entitled to share in such balance, without reference to the amounts previously distributed by the owner under the provisions of this section.

"The right of any such person to share in the said balance, or in any distribution of progress-payments, shall not be enlarged or altered, nor shall the liability of the owner, or his property, be increased by reason of his having actual knowledge of the claim of such person.

"All progress-payments made by the owner in conformity with the statements furnished by the contractor as herein provided and in compliance with the provisions of this section, shall constitute payments on the contract price, and shall be

valid as against the contractor and all other persons claiming the right to share in the said contract price or asserting liens against the property whereon the said building, improvement or structure is constructed, altered or repaired.

"No payment made prior to the time when the same is due under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing or discharging any lien in favor of any person, except the contractor, but as to such liens such payment shall be deemed as if not made, and shall be applicable to such liens notwithstanding that the contractor to whom it was paid may thereafter abandon his contract or be or become indebted to the owner or reputed owner in any amount for damages or otherwise for non-performance of his contract or otherwise, unless such payment has been distributed pro rata among the persons other than the contractor performing labor, or furnishing materials or labor, or both, for the construction of the building, improvement or structure, as hereinbefore provided, or if so distributed in part only, then the same shall be valid only to the extent that the said payment has been so distributed.

"As to all liens, except that of the contractor, the whole contract price shall be payable in money and shall not be diminished by any prior or subsequent indebtedness, offset or counter-claim in favor of the owner or reputed owner and against the contractor. No alteration of any such contract shall affect any lien acquired under the provisions of this chapter.

"In case such contracts and alterations thereof do not conform substantially to the provisions of this section, they shall be void, and the labor done and materials furnished by all persons, including the contractor, shall be deemed to have been done and furnished at the personal instance of the owner or reputed owner, and they shall have a lien for the value thereof, *provided, however*, that the contractor's recovery shall not exceed the amount specified in such void contract as the contract price thereof, and that he shall be entitled to recover upon his lien only the reasonable value of the labor done and materials and labor furnished by him, after deducting all claims of other parties for work done and materials and labor, or either or both, furnished by them to such contractor."

Amendment adopted.

Also:

On page 6, strike out all of Section 4, commencing with the word "in", on line 19, and ending with the word "action", line 46, on page 7, inclusive.

Amendment adopted.

Also:

On page 6, line 17, after the word "incumbrance", insert the following: "of which the lien-holder had no notice, and which was".

Amendment adopted.

Also:

On page 7, line 28, strike out the word "and", and insert in lieu thereof the word "any".

Amendment adopted.

Also:

On page 8, line 48, strike out the word "the", and insert in lieu thereof the word "a".

Amendment adopted.

Also:

On page 10, line 109, strike out the word "heard", and insert in lieu thereof the word "read".

Amendment adopted.

Also:

On page 10, after the figures "190", insert the following: "In any event, all claims of lien must be filed within ninety days after the completion of any such building, improvement or structure, or the alteration, addition to or repair thereof."

Amendment adopted.

Also:

On page 10, Section 6, at the end of line 10, strike out the (.), and insert in lieu thereof a (.), and add the following: "*provided, however*, that in cases where such completion is delayed so that at the expiration of said period of six months the said building, improvement or structure is incomplete, and no action is pending for fore-

closure of lien alleging a cessation of labor for thirty days, and lien-claimant shall be entitled to file and record a new lien, and thereafter to file successive liens at intervals of six months until such completion, or cessation of labor for thirty days, takes place, and shall be entitled to commence an action to foreclose such new lien, or liens, at any time within six months after recording same; but each of such new liens must be recorded within six months after recording the lien for which same is substituted, or the right to file or foreclose the same shall be lost."

Amendment adopted.

Also:

On page 11, line 28, after the word "record", insert the following: "in the office of the county recorder of the county, or city and county, in which such property, or some part thereof, is situated."

Amendment adopted.

Also:

On page 10, Section 6, line 3, strike out the following: "time for filing the suit, to foreclose lien".

Amendment adopted.

Also:

On page 12, line 11, strike out the word "improvements", and insert in lieu thereof the word "improvement".

Amendment adopted.

Also:

On page 12, line 18, at the beginning of the line insert the following: "Sec. 9."

Amendment adopted.

Also:

On page 13, line 43, after the word "liens", strike out the semicolon (;) and insert a comma (,).

Amendment adopted.

Also:

On page 13, line 49, at the beginning of the line insert the following: "Sec. 10."

Amendment adopted.

And:

Strike out all of Sec. 12.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Senate Bill No. 797 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the following words: "Personal property brokers defined."

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out the following words: "Rate per month of interest allowed."

Amendment adopted.

Also:

On page 1, Section 2, line 4, strike out the following: "four (4%)", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 2, Section 2, line 7, strike out the brackets and figure "(1)".

Amendment adopted.

Also:

On page 2, Section 2, line 7, after the word "hereof" add a period, and strike out the balance of section two.

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the words "What other charges allowed."

Amendment adopted.

Also:

On page 2, Section 3, line 8, strike out the following: "four (4%)", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 2, Section 4, lines 1 and 2, strike out the following: "Penalty for charging or collecting more than four (4%) per centum per month:"

Amendment adopted.

Also:

On page 2, Section 4, line 4, strike out the following: "(1)".

Amendment adopted.

Also:

On page 2, Section 4, line 11, strike out the following: "four (4%)", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 2, Section 4, line 13, strike out the following: "four (4%)", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 2, Section 4, lines 15 and 16, strike out the following: "four (4%)", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 3, Section 5, line 1, strike out the following: "Memorandum to be given borrower, what to contain."

Amendment adopted.

Also:

On page 3, Section 5, line 13, strike out the following: "(2)".

Amendment adopted.

Also:

On page 3, Section 5, line 14, strike out the following: "(3)", also on the same line the following: "(4)".

Amendment adopted.

Also:

On page 3, Section 6, line 1, strike out the following: "Penalty for violation of section five (5) hereof."

Amendment adopted.

Also:

On page 3, Section 6, line 6, strike out the following: "(1)".

Amendment adopted.

Also:

On page 3, Section 6, line 7, strike out the following: "(5)".

Amendment adopted.

Also:

On page 3, Section 6, line 8, strike out the following: "(\$50.)".

Amendment adopted.

And:

On page 3, Section 6, line 9, strike out the following: "(\$200.)".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 281—An Act to amend Section 397*b* of the Penal Code, relating to the sale, giving or delivering of intoxicating liquors to minor children and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

During second reading of bill, the following amendment was submitted by committee:

On page 2, section 1, line 23, of the printed bill, after the period following the word "b", add the following: "Wherever a voting machine is used the names of the candidates for judicial offices shall be placed thereon in a plainly designated position separated from the names of the candidates for other offices, as nearly in sequence as possible. Each candidate for judicial office shall be voted for individually, and the machine shall be so arranged that neither the voting indicator nor the counter of any candidate for a judicial office shall be operated by the action of any party voting device, nor shall any vote be counted for any such candidate by virtue of any straight party vote."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 570—An Act to add a new section to the Political

Code, to be known as Section 1197c thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 344—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by inserting in line 2 thereof, after the word "amend", the following: "sections one and three of".

Amendment adopted.

Also:

On page 1, of the printed bill, strike out all of lines 1 to 6 inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, is hereby amended to read as follows:

"Section 1. All moneys which have been received, and all moneys which may hereafter be received by the State of California from the Government of the United States in pursuance of any and all Acts of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the moneys received by the Government of the United States from the".

Amendment adopted.

And:

On page 2, of the printed bill, strike out all of Sections 2, 3, 4, 5, and 6, and insert in lieu thereof the following:

"Sec. 2. Section 3 of said Act is hereby amended to read as follows:

"Section 3. It shall be the duty of the board of supervisors of each county, upon application of the State Controller, to instruct the county surveyor to furnish the Controller without expense to the State, a statistical statement showing the area of each United States forest reserve located within that county, and the data thus secured shall be made the basis of the computation of the amount of money due that county under the provisions of this Act."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1008—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Bill read second time, ordered engrossed, and on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Black asked for, and was granted unanimous consent to have Senate Bill No. 763 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker as a special committee of one, to amend as follows:

By striking out of Section 2, line 5, the word "first", and inserting in lieu thereof the following: "fifteenth".

Also:

By striking out of Section 2, line 6, the word "May", and inserting in lieu thereof the following: "April".

Also:

By striking out of Section 2, line 7, the word "destroys", and inserting in lieu thereof the following: "has in his possession".

Also:

By striking out of Section 2, lines 7, 8, 9, and 10, the words "with a net or seine; or who between the first day of May and the fifteenth day of June of any year, has in his possession any striped bass that have been taken, caught, or killed, except with hook and line".

Also:

By striking out of Section 3, lines 7, 8, and 9, the words "takes, catches, kills, or has in his possession, any steelhead trout of less than two pounds in weight", and inserting in lieu thereof the following: "buys, sells, takes, catches, kills, or has in his possession, any steelhead trout taken above tide water".

And:

On page 3, Section 3, line 14, strike out the comma after the word "trout", and inserting in lieu thereof the following: "or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, steelhead trout, the total weight of which exceeds fifty pounds, or who, at any time, sells or offers for sale, any steelhead trout".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 763, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Miller asked for and was granted unanimous consent to have Senate Bill No. 838 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of the tax deeds for property sold for delinquent taxes.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Thompson as a special committee of one, to amend as follows:

On page 1, Section 1, of the amended printed bill, strike out of lines 4 and 5, the following: "the time allowed by law for its redemption", and insert in lieu thereof the following: "five years from the date of the sale to the state".

And:

On page 2, Section 1, of the amended printed bill, strike out of line 38, the period following the word "eighty-eight", and the words "In all cases", and all of lines 39 to 47 inclusive, and insert in lieu thereof a semicolon and the following: "*provided, however,* that in all cases where land has been heretofore sold for delinquent taxes to purchasers other than the State of California, the deed therefor must have been made within the time allowed under the provisions of that certain Act entitled "An Act to amend section thirty-seven hundred and eighty-five of the Political Code of the State of California, relating to the issuance of tax deeds", approved March 23,

1907, and unless the deed has been so made the purchaser shall be deemed to have relinquished all his rights under such sale."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 838, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Martinelli asked for and was granted unanimous consent to have Senate Bill No. 921 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Lewis as a special committee of one to amend, as follows:

By striking out of Section 1, line 13, the words "deputy county", and insert in lieu thereof the word "registration".

Also:

By striking out of Section 1, lines 13 and 14, the words "which office of deputy county clerk is hereby created".

Also:

By striking out of Section 1, line 19, the words "one deputy county clerk to act as", and insert in lieu thereof the word "a".

Also:

By striking out of Section 1, line 20, all of that line and the words "hereby created", on line 21, and insert in lieu thereof the words "to the county clerk".

Also:

By striking out of Section 1, line 27, the words "a fee of", and insert in lieu thereof the words "expenses in a sum of not to exceed".

Also:

By striking out of Section 1, lines 57, and 58 "which office of deputy recorder is hereby created".

Also:

By striking out of Section 1, lines 65 and 66, the words "deputy auditor, which office of deputy auditor is hereby created", and insert in lieu thereof the words "redemption clerk".

Also:

By striking out of Section 1, lines 87 and 88, the words "which offices of copyists are hereby created".

Also:

By striking out of Section 1, line 106 and 107, the words "which office of stenographer to the district attorney is hereby created".

Also:

By striking out of Section 1, lines 124 and 125, the words "which office of deputy assessor is hereby created".

Also:

By striking out of Section 1, line 131, the words "which said five offices of field deputies are hereby created".

And:

By striking out of Section 1, lines 141 and 142 "which office of stenographer to the coroner is hereby created".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 921, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEWIS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Miller asked for, and was granted unanimous consent to have Senate Bill No. 353 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Miller as a special committee of one to amend, as follows:

On page 2, Section 1, line 16, of the printed bill, after the word "taken", strike out the "comma (,)", and insert in lieu thereof a "period (.)".

Also:

On page 2, Section 1, line 16, of the printed bill, after the word "taken", strike out the word "provided", and also all of lines 17 to 21, both inclusive.

Also:

On page 3, Section 1, line 61, of the printed bill, after the word "application", insert the following: "for any credential or diploma or document mentioned in this chapter".

And:

On page 3, Section 1, line 62, of the printed bill, after the word "the", at the end of the line insert the following: "credential, document, or".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 353, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Caminetti asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 26 taken up for consideration out of order, for the purpose of amendment.

SENATE CONSTITUTIONAL AMENDMENT No. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway highways for steam, electric, motor, and other train service.

The legislature of the State of California, at its regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose to the qualified electors of the State of California the following amendment to the Constitution of the State of California, by adding a new section to Article IV thereof to be designated Section 38, to read as follows:

The legislature shall have power to establish, construct, and maintain state railway highways for steam, electric, motor, and other train service; to equip such

highways for freight, express, and passenger traffic; and to enact laws necessary to establish, construct, and maintain the same, also to provide for the management, control and regulation thereof under competent authority. No franchise, lease or other privilege thereon or thereto shall ever, except as herein provided, be granted to any person, partnership, association, or corporation. It is hereby declared not to be the object of the State to operate trains on such state railway highways for freight, express, or passenger service, but to afford transportation facilities on equal terms as to charges, and equal rights as to privileges, for freight, express, and passenger trains, or, either belonging to persons, partnerships, associations, or corporations, owning or leasing, connecting, or other railroad lines, or trains and rolling stock. The legislature shall provide, by suitable laws for regulating the time and manner of running trains on such highways under supervision of the State, so as to afford prompt service and security to life and property.

During the reading of the Senate constitutional amendment the following amendment was submitted by committee:

Insert in line 9, page 1, printed copy, before the word "The" the following: "Section 38".

Amendment adopted.

Also:

Offered by Senator Caminetti:

Strike out word "railway", in line 6 of title, on page 1, and insert the word "rail".

Amendment adopted.

Also:

Strike out word "railway", in line 10.

Amendment adopted.

Also:

Same amendment, on page 1, and insert the word "rail".

Amendment adopted.

Also:

Strike out word "railway", in line 19.

Amendment adopted.

And:

Same amendment, on page 2, and insert the word "rail".

Amendment adopted.

Senate Constitutional Amendment No. 26 ordered to print and engrossment.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Cutten, Senate Bill No. 1104 was ordered withdrawn from the Committee on Judiciary.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Cutten, Senate Bill No. 1104 was ordered referred to Committee on Finance.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Miller, Senate Bill No. 839 was ordered re-referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until Wednesday, February 24, 1909.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Boynton, the President pro tem. declared the Senate adjourned until Monday, February 22, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 22, 1909. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Lewis, McCartney, Roseberry, Rush, Stinson, Thompson, Walker, Weed, Welch, Willis, and Wright—24.

Quorum present.

PRAYER.

Prayer by the Rev. Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 19, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

APPROVAL OF THE JOURNALS.

The Journals of Monday, February 8, Tuesday, February 9, Wednesday, February 10, Thursday, February 11, and Friday February 12, 1909, having been corrected, were read and approved.

LEAVE OF ABSENCE.

Senator Leavitt was, on motion of Senator Wright, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Also: Senate Concurrent Resolution No. 6—Approving the charter of the city

of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

Also: Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Senate Bill No. 130—An Act to amend section two thousand nine hundred seventy-nine of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to a waiver of notice by stockholders or members of corporate meetings.

Also: Senate Bill No. 153—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.

Also: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property, and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and justices of the peace.

Also: Senate Bill No. 273—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing.

And report that the same have been correctly enrolled, and presented the same to the Governor on this nineteenth day of February, 1909, at three o'clock P. M.

BIRDSALL, Acting Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the restraintment of mining debris, the construction of certain works necessary and incident to the restraintment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 478—An Act to amend section three hundred forty-three of the Political Code of California, relating to civil executive officers.

Also: Senate Bill No. 220—An Act to amend Section 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Also: Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308*b*, relating to the use of textbooks in the public schools.

Also: Senate Bill No. 965—An Act to amend the political Code of the State of California by adding thereto a new section to be known as Section 3785*a*, relative to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions and providing punishment therefor.

Also: Senate Bill No. 954—An Act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in Justices' Court.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No. 957—An Act to amend section four thousand and five *c* of the Political Code of the State of California, relating to population of counties.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Also: Senate Bill No. 722—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Also: Senate Bill No. 967—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No. 574—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Also: Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 983—An Act validating bonds heretofore voted and issued by joint union high school districts.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California.

Also: Senate Bill No. 291—An Act granting to the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pierhead line of San Diego harbor, as said lines are now established or as they may be hereafter established.

Also: Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 912—An Act to provide for the expenses of operating and

conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Senate Bill No. 779—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision: providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 17—An Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Also: Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Also: Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Also: Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Also: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond-filing case, and making an appropriation therefor.

Also: Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Senate Bill No. 281—An Act to amend section three hundred and ninety-seven b of the Penal Code, relating to the sale, giving or delivering of intoxicating liquors to minor children and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Also: Senate Bill No. 905—An Act to amend an Act entitled an Act creating a state commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 570—An Act to add a new section to the Political Code, to be known as Section 1197c thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

Also: Senate Bill No. 1008—An Act to amend section four thousand two hundred

and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 58, 684, 478, 220, 742, 956, 965, 937, 954, 820, 957, 958, 959, 969, 722, 970, 967, 574, 809, 983, 1002, 781, 291, 637, 638, 668, 669, 670, 912, 779, 831, 982, 17, 936, 993, 898, 892, 757, 691, 221, 516, 281, 905, 570, and 1008 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1041—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905; Statutes of 1905, page 777 thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1041 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Also: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 650—An Act to amend Section 637a of the Penal Code of California, and to add thereto three new sections, to be numbered 637c, 637d, and 637e, all relating to protection of wild birds other than game birds and their nests and eggs.

Also: Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.

Also: Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Also: Assembly Bill No. 166—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 44, 134, 151, 650, 801, 1030, and 166 read first time.

Assembly Bill No. 44 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 134 ordered referred to Committee on Labor, Capital and Immigration.

Assembly Bills Nos. 151, 801, 1030, and 166 ordered referred to Committee on Finance.

Assembly Bill No. 650 ordered referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 5—An Act to repeal an Act entitled "An Act

to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905.

Also: Assembly Bill No. 233—An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities.

Also: Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Also: Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Also: Adopted Assembly Joint Resolution No. 8—Relating to the assent of the State of California to grants, purposes and conditions of the Act of Congress, entitled an Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof, approved March 16, 1906.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 5, 233, 278, 602, 699, 810, and 1160 read first time.

Assembly Bill No. 5 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 233 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 602 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 699 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 278 and 810 ordered referred to Committee on Hospitals and Asylums.

Assembly Bill No. 1160 ordered referred to Committee on Finance.

Assembly Joint Resolution No. 8 ordered referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County.

Also: Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor.

Also: Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California.

Also: Assembly Bill No. 410—An Act to amend Section 536 of the Penal Code,

relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.

Also: Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code by defining the duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

Also: Assembly Bill No. 951—An Act to amend Section 1927 of the Political Code of California, relating to the organization of boards of supervisors.

Also: Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

Also: Assembly Bill No. 979—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, State of California.

Also: Assembly Bill No. 989—An Act to amend Section 607e of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

Also: Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Also: Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Also: Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Adopted Assembly Concurrent Resolution No. 8—Relative to appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 69, 276, 303, 410, 687, 825, 951, 956, 979, 989, 1009, and 1109 read first time.

Assembly Bill No. 69 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 276 ordered referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 303, 687, and 956 ordered referred to Committee on Education.

Assembly Bills Nos. 410 and 989 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 825, 951, and 979 ordered referred to Committee on County Government.

Assembly Bill No. 1009 ordered referred to Committee on Finance.

Assembly Bill No. 1109 ordered on file for second reading, without reference to committee.

Senate Bills Nos. 564 and 708 ordered to enrollment.

Assembly Concurrent Resolution No. 8 ordered referred to Committee on Fish and Game.

RESOLUTION.

The following resolution was offered:

By Senator Curtin:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$779.75 in payment of the

bills hereto attached, the said sum to be payable out of the contingent fund of the Senate:

H. S. Crocker	\$413 75
Scott, Lyman & Stack	117 50
Geo. C. Solch Co.	248 50

Resolution read, and referred to Committee on Contingent Expenses.

SENATOR WILLIS IN THE CHAIR.

At twelve o'clock M., Senator Willis, of the Thirtieth District, in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to state school land.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to photographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Also: Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Senate Bill No. 1220—An Act relating to prosecutions under Sections 628b, 632 and 632½ of the Code, and to define prima facie evidence thereunder.

Also: Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways.

Also: Senate Bill No. 825—An Act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of the justices of peace in cities and counties.

Also: Assembly Bill No. 573—An Act to amend Section 161a of the Penal Code of California, relating to falsely advertising as an attorney.

Also: Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CURTIN, Acting Chairman.

Senate Bills Nos. 842, 968, 973, 924, 917, 919, 1220, 341, 825, 295, and 1059 ordered on file for second reading.

Assembly Bill No. 573 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1057—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Senate Bill No. 901—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and cer-

tificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of the same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

CURTIN, Acting Chairman.

Senate Bills Nos. 1057 and 901 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Campbell asked for and was granted unanimous consent to withdraw Senate Bill No. 901—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of the same.

Senate Bill No. 901 withdrawn and ordered stricken from the file.

Also:

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Bill No. 1057—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Senate Bill No. 1057 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052b, relating to the disposition of property of the counties

Also: Senate Bill No. 943—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors.

Also: Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Also: Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284c, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281c, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Also: Senate Bill No. 980—An Act to amend Sections 653c, 653d, and 653l of the Civil Code of the State of California, all relative to cooperative business associations. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURTIN, Acting Chairman.

Assembly Bill No. 262 ordered on file for second reading.

Senate Bills Nos. 943, 1082, 1106, 1107, and 980 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 4—Proposed amendment to Article XII of the Constitution, relative to the Railroad Commission—have had the same under consideration, and respectfully report the same back, with the recommendation that committee substitute be adopted, and the usual number thereof be printed.

CURTIN, Acting Chairman.

Senate Constitution Amendment No. 4 ordered on file.

MOTION.

On motion of Senator Campbell, the usual number of copies of the Committee Substitute for Senate Constitutional Amendment No. 4 were ordered printed.

RUSH ORDER TO PRINTER.

On motion of Senator Campbell, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Constitutional Amendment No. 4.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof—have had the same under consideration, and respectfully report the same back, amended, without recommendation.

CURTIN, Acting Chairman.

Senate Bill No. 374 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature—have had the same under consideration, and respectfully report the same back, without recommendation.

CURTIN, Acting Chairman.

Senate Constitutional Amendment No. 40 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 9—Relative to approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909, have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

McCARTNEY, Acting Chairman.

Senate Concurrent Resolution No. 9 ordered on file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

McCARTNEY, Chairman.

Senate Bill No. 1100 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by

Brigadier-General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WRIGHT, Chairman.

Assembly Bill No. 377 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 976—An Act to prohibit within certain limits the mooring and anchoring house-boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such Acts to be public nuisances, and providing for the abatement of such nuisances—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WRIGHT, Chairman.

Senate Bill No. 976 ordered on file for second reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Wright, the second-reading file of Senate bills was taken up, out of order.

Senate Bill No. 500—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Senate Bill No. 500 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 13, strike out the word "the", and insert in lieu thereof the word "any".

Amendment adopted.

Also:

On page 1, Section 1, line 13, after the word "property" strike out the comma, and insert the following: "upon which improvements, structures or buildings have been destroyed by public calamity, after the creation of such life estate."

Amendment adopted.

Also:

On page 2, Section 1, line 24, after the word "as" insert the word "will".

Amendment adopted.

And:

On page 2, line 29, strike out the word "upon", and insert in lieu thereof the words "who shall give".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2, of the printed bill, strike out the words "In counties".

Amendment adopted.

Also:

On page 1, line 3 of the printed bill, before the word "of" at the beginning of said line, insert the following: "1246. In counties".

Amendment adopted.

Also:

On page 2, line 25, of the printed bill, strike out the "comma" after the word "is".

Amendment adopted.

Also:

On page 3, line 82, of the printed bill, strike out the word "costs", and insert in lieu thereof the word "cost".

Amendment adopted.

Also:

On page 3, line 95, of the printed bill, strike out the word "all", and insert in lieu thereof the word "full".

Amendment adopted.

Also:

On page 3, line 94, of the printed bill, before the word "shall" insert the word "constables".

Amendment adopted.

And:

On page 4, line 103, of the printed bill, after the word "by" insert the word "the".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Senate Bill No. 709 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Senate Bill No. 710 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Senate Bill No. 336 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Senate Bill No. 337 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

Senate Bill No. 444 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 777—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation hereof.

Senate Bill No. 777 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 347 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Senate Bill No. 797 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend page 2, Section 4, line 1, by striking out the following: "thousand dollars (\$5000.00)", and insert in lieu thereof the words "hundred dollars".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor.

Senate Bill No. 33 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, of the printed bill, strike out all of line 12 beginning with and including the word "Instruction", and all of lines 13, 14, 15, and 16.

Amendment adopted.

Also:

On page 2, Section 2, line 1, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty".

Amendment adopted.

Also:

On page 2, Section 2, of the printed bill, strike out all of lines 6, 7, 8, and all of line 9, down to and including the word "Fifteen", and insert in lieu thereof the word "Ten".

Amendment adopted.

And:

On page 2, Section 2, line 10, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom, and making an appropriation therefor.

Senate Bill No. 772 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Senate Bill No. 774 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin, and making an appropriation therefor.

Senate Bill No. 882 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 990—An Act to prohibit alien ownership of lands in the State of California.

Senate Bill No. 990 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

During second reading of bill, the following amendments were submitted by committee:

Strike out all of Section 2, Section 3, Section 4, Section 5, Section 6, Section 7, and Section 8.

Amendment adopted.

Also:

Strike out all of Section 9, and insert in lieu thereof the following:

"Section 2. The State Controller is hereby directed to draw a warrant for the sums herein appropriated, and the State Treasurer is directed to pay the same."

Amendment adopted.

And:

Strike out all of Section 10.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568¹, also relating to the board of harbor commissioners of the port of Eureka.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 11, 12, 13, 14, and 15, strike out the words "All other expenses of said commission necessarily incurred, not to exceed fifteen hundred dollars per annum, are to be paid on the warrants of the State Controller, at such times and in such amounts as may be approved by the State Board of Examiners," and insert in lieu thereof the following: "All other expenses of said commission necessarily incurred ~~to~~ to exceed fifteen hundred dollars per annum shall be paid by the State. For the purpose of paying said expenses there is hereby continuously appropriated out of any money in the State treasury not otherwise appropriated, for each and every fiscal year, the sum of fifteen hundred dollars."

Amendment adopted.

And:

On page 2, Section 3, lines 1 and 2, strike out the words "This Act shall take effect and be in force from and after its passage and approval", and insert in lieu thereof the following: "This Act shall take effect July 1st, 1909."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management, and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 9, by inserting before the word "to" the words "thence along the public highway".

Amendment adopted.

And:

Amend page 2, Section 1, line 11, by striking out the period after the word "road", and inserting in lieu thereof the following: "; which is hereby declared to be a state highway."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts

of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 5, strike out the word "thres", and insert in lieu thereof the word "six".

Amendment adopted.

Also:

On page 2, Section 2, line 5, strike out the word "April", and insert in lieu thereof the word "May".

Amendment adopted.

Also:

On page 2, Section 2, line 6, strike out the word "places", and insert in lieu thereof the word "cities".

Amendment adopted.

Also:

On page 2, Section 2, line 8, after the name "San Jose", insert the words "Santa Barbara, Redding, Bakersfield, Marysville."

Amendment adopted.

And:

On page 2, Section 2, line 8, strike out all after the word "at" down to and including the word "situated", in line 12, same section, and insert in lieu thereof the following: "such other cities or towns in counties other than those in which the cities hereinabove named are respectively situated, when a petition for a meeting of such board is filed with the secretary thereof by ten shippers."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered ---, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

Senate Bill No. 854 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

During second reading of bill, the following amendment was submitted by committee:

On page 3, last line of the page, before the word "This" add the following: "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1042—An Act to amend Section 1550 of the Political

Code of the State of California, relating to salaries of deputy superintendents of schools.

Senate Bill No. 1042 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester and relating to their duties and terms of office.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 12, of the printed bill, strike out the word "five" and insert in lieu thereof the word "three".

Amendment adopted.

Also:

On page 2, Section 1, lines 12 and 13, strike out the words "as herein provided".

Amendment adopted.

Also:

On page 2, Section 1, line 15, strike out the words "appoint as", and insert in lieu thereof the words "be an ex officio".

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the word "members", and insert in lieu thereof the word "member".

Amendment adopted.

Also:

On page 2, Section 1, line 16, insert a period after the word "member", and strike out the balance of line 16 and all of lines 17, 18, 19, and 20, and the word "state" in line 21.

Amendment adopted.

Also:

On page 2, Section 1, line 23, strike out all the line beginning with the word "when" and all of lines 24, 25, 26, 27, and 28, down to and including the word "thereof".

Amendment adopted.

Also:

On page 2, Section 2, line 4, strike out the words "a technically trained", and in lieu thereof the words "an experienced".

Amendment adopted.

Also:

On page 2, Section 2, line 5, insert a period after the word "forester" and strike out all the balance of said line, and all of lines 6, 7, 8, 9, and 10, down to and including the word "established".

Amendment adopted.

And:

On page 3, Section 2, line 26, before the word "collect" insert the following: "shall prevent the cutting and destruction of any standing redwood trees;"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act: to provide for their appointment, and define their powers, duties, and compensation: to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof: providing for the revocation of suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 331—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

During second reading of bill, the following amendment was offered by Senator Birdsall:

On page 2, Section 1, line 16, strike out the word "fifty", and insert in lieu thereof the following: "twenty-five".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1056—An Act to amend Section 4339 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1084—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers

of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 47, of the printed bill, strike out the word "not".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 458—An Act to provide for the levy and collection of tax on income.

Senate Bill No. 458 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

Senate Bill No. 886 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, as amended by a certain Act provided March 26, 1895.

During second reading of bill, the following amendments were submitted by committee:

On page 3, Section 1, line 52, strike out the words "to make and enforce", and all of lines 53, 54, 55, 56, 57, and 58.

Amendment adopted.

And:

On page three strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Senate Bill No. 515 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 12).

Senate Bill No. 776 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 26—An Act to insure the better education of prac-

tioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Senate Bill No. 26 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the costs for such insurance from the revolving fund for the purchase of jute.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 721 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Senate Bill No. 933 temporarily passed on file, in the absence of the author, to retain its place.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright, the hour of recess was extended ten minutes.

MOTION.

Senator Caminetti moved that Senate Bill No. 1100 be withdrawn from the file and be referred to Committee on County Government.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of the above motion be made a special order for this day at two o'clock P. M.

Motion carried.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Wright, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Willis, of the Thirtieth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this hour, being the consideration of the motion of Senator Caminetti to withdraw Senate Bill No. 1100 from the file and

refer it to the Committee on County Government, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Caminetti moved that the further consideration of his motion to withdraw Senate Bill No. 1100 from the file and refer it to the Committee on County Government be postponed until Tuesday, February 23, 1909, under the regular order.

Motion carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. and Mrs. R. Y. Ayer of Tuolumne County.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge L. T. Price of Alpine County.

CONSIDERATION OF DAILY FILE—SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Wright, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

On motion of Senator Wright, Assembly Bill No. 8 was temporarily passed on file, to retain its place.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbancers.

On motion of Senator Wright, Assembly Bill No. 31 was temporarily passed on file, to retain its place.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196*b* and 3195*b*, relating to the protection of farm names.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 4, strike out the word "Section".

Amendment adopted.

And:

On page 1, line 9, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expense of officers in counties of the twenty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, of the engrossed bill, strike out the word "Section", in line 3 thereof.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 4, of the engrossed bill, strike out the word "service", and insert in lieu thereof the word "services".

Amendment adopted.

Also:

On page 3, line 67, strike out the word "sixty-five", and insert in lieu thereof the word "eighty-five".

Amendment adopted.

And:

On page 4, in lines 123 and 124, strike out the word "therefore", and insert in lieu thereof the word "therefor".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by inserting in line 2 thereof, after the word "to", the following: "salaries and fees of officers of".

Amendment adopted.

And:

On page 1, Section 1, line 3, of the engrossed bill, strike out the word "section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

During second reading of bill, the following amendment was submitted by committee:

Around the title by striking out of line 3 thereof the word "paid", and inserting in lieu thereof the word "made".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved March 26, 1895.

On motion of Senator McCartney, Assembly Bill No. 592 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Black asked for and was granted unanimous consent to have Assembly Bill No. 604 taken up out of order, for the purpose of amendment.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of State normal school trustees.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker as a special committee of one, to amend as follows:

On page 1, of the printed bill, after the enacting clause, insert the following: "Section 1. Section fourteen hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:".

Also:

On page 1, line 1, of the printed bill, strike out the word "Section" before the number "1492".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 604, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, February 23, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Montanelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 22, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Barley of San Joaquin County.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Loveland of San Francisco.

MESSAGES FROM THE ASSEMBLY.

The following messages from the assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane, and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Also: Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Also: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall; fixing the requirements thereof and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.

Also: Senate Bill No. 565—An Act fixing, establishing, and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 696—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Also: Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties, and compensation.

Also: Assembly Bill No. 70—An Act to add a new section to the Political Code, to be numbered 108512, authorizing the board of supervisors of the several counties of this State to declare navigable streams highways for the purpose of fishing, and providing for the use of the same.

Also: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Also: Assembly Bill No. 187—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section number 67b, relating to extra sessions of the Superior Court.

Also: Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 542a, relating to attachments.

Also: Assembly Bill No. 245—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public enclosures, sale of lots, keeping same in order, and jurisdiction over the same."

Also: Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Also: Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Also: Assembly Bill No. 577—An Act to amend section one hundred and thirty-one of the Civil Code, relating to interlocutory divorce judgments.

Also: Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also: Assembly Bill No. 623—An Act entitled "An Act to amend Section 1540 of Article IV of the Political Code of California, by providing for joint institutes or conventions of teachers."

Also: Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county, and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Also: Assembly Bill No. 704—An Act to amend Section 281 of the Code of Civil Procedure of the State of California, relating to penalty for practicing without a license.

Also: Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Also: Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be numbered as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Also: Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three a, relating to the compensation of jurors in counties of the fourteenth class.

Also: Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts, the calling and holding of elections in such districts, the assessment, collection, custody, and disbursement of taxes therein, and the creation of ex officio boards of supervisors.

Also: Assembly Bill No. 768—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 769—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Also: Assembly Bill No. 771—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury, and the duties of the Treasurer, Controller, and Board of Examiners in connection therewith.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Also: Assembly Bill No. 803—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered four hundred and two e, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Also: Assembly Bill No. 842—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Also: Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code, relating to transfers of money from one fund to another.

Also: Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Also: Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Also: Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Also: Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 40, 104, 272, 482, 520, 521, 522, 523, 565, 696, and 752 ordered to enrollment.

Committee Substitute for Assembly Bill No. 7 and Assembly Bills Nos. 70, 173, 185, 205, 245, 298, 563, 577, 620, 633, 686, 704, 723, 751,

755, 763, 768, 769, 771, 802, 803, 833, 842, 931, 935, 961, 1059, and 1103 read first time.

Committee Substitute for Assembly Bill No. 7 and Assembly Bill No. 755 ordered referred to Committee on County Government.

Assembly Bills Nos. 70, 185, 205, 245, 298, 563, 577, 704, 723, 768, 769, 771, 802, 803, 833, and 931 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 173 and 620 ordered referred to Committee on Finance.

Assembly Bills Nos. 633, 686, 842, and 1103 ordered referred to Committee on Education.

Assembly Bills Nos. 751, 1059, and 935 ordered on file for second reading, without reference to committee.

Assembly Bill No. 733 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 961 ordered referred to Committee on Drainage, Swamp and Overflowed Lands.

WITHDRAWAL OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 830—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Senate Bill No. 830 withdrawn and ordered stricken from the file.

Also:

Senator Cullen asked for and was granted unanimous consent to withdraw Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Senate Bill No. 641 withdrawn and ordered stricken from the file.

And:

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 537—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Senate Bill No. 537 withdrawn and ordered stricken from the file.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Welch, Assembly Bill No. 655 was ordered withdrawn from the Committee on Judiciary and placed on file for second reading.

WITHDRAWAL OF BILL.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 645—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Senate Bill No. 645 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby the electors of political parties may express their choice at such primary elections for United States Senator.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626a, 626d, 626a, and 627b, of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626e and 626f, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Also: Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Also: Senate Bill No. 961—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds.

Also: Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402e, relating to the carrying or transporting by common carriers of certain explosives.

Also: Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532a, relating to spurious secret societies.

Also: Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers in counties of the thirty-sixth and one half class.

Also: Senate Bill No. 961—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Also: Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Also: Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Also: Senate Bill No. 563—An Act defining trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: Senate Bill No. 550—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as section number 345, relating to concealing the actual rate of interest for the use of money.

Also: Senate Bill No. 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of liens arising hereunder; to repeal an Act

entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 3, 904, 466, 55, 964, 743, 853, 960, 961, 725, 816, 563, 550, and 625 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Engrossments and Enrollment have examined the following Senate bill.

Senate Bill No. 1941—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in cities and municipalities, and providing conditions for the granting of such franchises to legislators or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof—and report that the same has been correctly enrolled, and presented the same to the Governor on this 22d day of February, 1909, at four o'clock P. M.

BIRDSALL, Acting Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1145—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be referred to the Committee on Finance.

BLACK, Chairman.

Senate Bill No. 1145 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 11—Relative to the appointment of President Lincoln Monument Commission—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BLACK, Chairman.

Senate Concurrent Resolution No. 11 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1695a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Senate Bills Nos. 1133, 1078, and 1079 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1194—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of schools trustees and city boards of education—have had the same under consideration, and respectfully report the same back, without recommendation.

BLACK, Chairman.

Senate Bill No. 1194 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 16714, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Also: Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Also: Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

Also: Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

Also: Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Assembly Bills Nos. 284, 631, 934, 629, and 198 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 1216 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Concurrent Resolution No. 12 Relative to the acting railroad commissioners of the State of California, and their removal from office—have had the same under consideration, and respectfully report the same back, with the recommendation that it be not adopted.

BATES, Chairman.

Senate Concurrent Resolution No. 12 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred the following resolution:

WHEREAS, Sections 17, 18, 19, 20, 21, and 22 of Article XII of the Constitution of this State relate to and affect railroad transportation companies doing business in this State, and prescribe conditions and impose restrictions on such companies for the protection of the public; and

WHEREAS, Some of said sections plainly provide what are the duties of and what is the authority conferred on the State Board of Railroad Commissioners; and

WHEREAS, Said board is clothed with ample power by said sections to act upon and remedy many of the abuses which it is alleged have caused and are now causing serious injury to the producers, shippers, and consumers of California; and

WHEREAS, The inactivity of said board in many matters of public concern subject to its jurisdiction, and particularly its failure to take steps permitted by the interstate commerce law to aid the producers, shippers, and consumers of this State in their efforts to prevent the recent raise in transcontinental freight rates and to investigate the same, has been and now is much deplored by the people of this State; and

WHEREAS, Experience in other states of the Union having the commission system has proven that prompt, reasonable, and just execution of constitutional and statute provisions on the subject of railroad regulation has resulted in benefit to the public; and

WHEREAS, By reason of the powers at present conferred by the National Government on the Interstate Commerce Commission and the activity displayed by the members thereof in investigating and remedying abuses in interstate railroad traffic, it is not only important, but absolutely essential, for the people of California to

supplement this work within the jurisdiction of this State by an energetic administration of the provisions of our Constitution and laws bearing on the subject of railroad transportation; therefore, be it

Resolved, That the interests of the classes above named require, and public welfare demands, that the said board should be, and they are hereby requested, to appear before the Committee on Corporations, then and there to show what official steps have been taken, if any, to remedy or prevent abuses, violations of law, and discriminations, not only as to places and certain industrial activities, but also as to persons, which abuses, violations of law, and discriminations are alleged and believed by many people in this State to now exist; also what steps, if any, have been taken to establish and enforce freight rates in this State, and also what, if anything, has been attempted to be done or proposed concerning the said recent raise in transcontinental freight rates; also what recommendation, from their experience as members of said board, such members thereof have to offer on the proposed legislation now pending in the Senate on the question of railroad regulation and other matters affecting the duties of said board; be it further

Resolved, That said committee is instructed to have all statements made at said hearing reported, and transmit the same to the Senate, together with all documents filed under the authority of this resolution, and also to report what action, if any, should be taken, or what laws, if any, should be passed to insure a speedy, reasonable and just administration on the part of said board of the important trust confided to its keeping—have had the same under consideration, and respectfully report the same back, with the recommendation that it be not adopted.

BATES, Chairman.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the substitute do pass.

BIRDSALL, Chairman.

Senate Bill No. 813 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California, and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes, and to prescribe the duties and powers of such boards, and to authorize such boards to appoint county foresters, and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BIRDSALL, Chairman.

Senate Bill No. 1219 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class—have had the same under consideration, and respectfully report the same back, with amendments, with the recommendation that it be referred to the Committee on Judiciary.

THOMPSON, Chairman.

Senate Bill No. 1138 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1102—An Act to amend section four thousand two hundred and

ninety of the Political Code of the State of California, relating to the salaries and fees of county officers.

Also: Senate Bill No. 1169—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class and their deputies.

Also: Senate Bill No. 833—An Act to amend Section 4011 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bills Nos. 1102, 1169, and 833 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners—respectfully report the same back, as directed by the Senate.

WILLIS, Chairman.

Assembly Bill No. 655 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 1141 and 1140 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 509—An Act to provide for the use of the credit of the State of California, for the establishment of a currency or an exchange medium—have had the same under consideration, and respectfully report the same back, as amended, with the recommendation that it do not pass.

WILLIS, Chairman.

Senate Bill No. 509 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1144—An Act to add a new section to the Penal Code, to be known as Section 172a, relating to the selling, giving away or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

Also: Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Also: Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Also: Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465¹/₂, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

Also: Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Also: Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

Also: Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 1144, 979, 999, 1000, 1001, 1142, 1105, and 1143 ordered on file for second reading.

Assembly Bills Nos. 160 and 606 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relative to illegal extermination of Alaskan fur seals, menace of Japanese immigration, new Pacific frontier of the United States, and stationing battle fleet on the Pacific.

Also: Senate Joint Resolution No. 7—Relative to Asiatic immigration.

Also: Senate Joint Resolution No. 11—Relative to Japanese Consul at San Francisco attempting to prevent legislation by the California Legislature.

Also: Senate Joint Resolution No. 17—Relative to Japanese immigration and naturalization.

Have had the same under consideration, and respectfully report the same back, with committee substitute for same, and recommend that it be adopted.

BURNETT, Chairman.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 ordered on file.

CONSIDERATION OF DAILY FILE—UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 88?"

Amend by striking out all that part thereof beginning with the word "having", in line 7, of Section 1, of printed bill, and ending with word "board", being the first word of line 10 thereof, the part stricken out reads as follows: "having a population of more than three thousand inhabitants, as established by the last preceding census, or established and determined in such manner as may be directed by said board."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 88 by the following vote:

AYES—Senators Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Esudillo, Holahan, Leavitt, Martinelli, McCartney, Miller, Rosberry, Thompson, Walker, Weed, Welch, Willis, and Wright—22.

NOES—None.

Senate Bill No. 88 ordered to enrollment.

THIRD READING OF SENATE BILLS.

Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.

Senate Bill No. 655 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under

the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

Senate Bill No. 448 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Senate Bill No. 553 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

On motion of Senator McCartney, Senate Bill No. 103 was temporarily passed on file, to retain its place.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Senate Bill No. 34 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

On motion of Senator Curtin, Senate Bill No. 812 was temporarily passed on file, to retain its place.

Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Senate Bill No. 684 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 514—An Act amending Section 4274 of the Political

Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Senate Bill No. 514 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 648 passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Curtin, Estudillo, Haleham, Leavitt, Lewis, Martinelli, McCartney, Miller, Roscherry, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Senate Bill No. 652 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Senate Bill No. 654 temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article 13 of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.

On motion of Senator Curtin, Senate Constitutional Amendment No. 11 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

Senate Constitutional Amendment No. 13 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

On motion of Senator Estudillo, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 647—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Senators Bates, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Senate Bill No. 680 temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

On motion of Senator Martinelli, Committee Substitute for Senate Bill No. 600 was temporarily passed on file, to retain its place.

Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Lewis, Martinelli, McCartney, Miller, Roseberry, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 555—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Lewis, Martinelli, McCartney, Miller, Roseberry, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curcin, Curren, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Thompson, Walker, Wood, Willis and Wright—24
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

On motion of Senator Black, Senate Bill No. 115 was temporarily passed on file, to retain its place.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, providing the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller, as a special committee of one, to amend as follows:

Amend by inserting in Section 4, line 9, page 7, of the printed bill, after the period following the word "act" the following: "The Commissioner, his deputies, and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this Act".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 194, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

On motion of Senator Estudillo, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Willis as a special committee of one to amend, as follows:

By striking out of section two, line one, the words "State Board of Examiners are", and inserting in lieu thereof the following: "Department of Engineering is".

And:

Amend Section 2, line 12, page 2, by striking out the words "State Board of Examiners", and inserting in lieu thereof the words "Department of Engineering".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 588, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 711—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Senate Bill No. 711 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

On motion of Senator Burnett, Senate Bill No. 659 was temporarily passed on file, to retain its place.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Senate Bill No. 819 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Senate Bill No. 501 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 476—An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund, to be known as fish and game preservation fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caninetti, Campbell, Cullen, Estudillo, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I.

of the Political Code of California, by adding a new section to said Article I, to be numbered 344, relating to fish and game commissions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Campbell, Cutten, Estudillo, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Strobridge, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 677 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Strobridge, Thompson, Walker, Weed, Welch, and Willis—25.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 804—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserves for commercial purposes.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 804 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Strobridge, Thompson, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 44—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 44 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An Act to amend Section 626^f of the Penal Code, relating to the protection of deer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered Section 628^c, to prevent the catching of surf-fish, yellow-fin, or spot-fin croaker, and providing penalties therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Frank Dietrich of Sacramento.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber for this day, was unanimously extended to Mr. Stephen Costello of San Francisco.

And:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge Sargent.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 478—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 478 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1899.

Senate Bill No. 798 temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901.

On motion of Senator Savage, Senate Bill No. 558 was temporarily passed on file, to retain its place.

Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Catten, Estudillo, Holahan, Kennedy, Leavitt, Lewis, Marinelli, Miller, Price, Roseberry, Savage, Scribbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Read third time.

On motion of Senator Wright, Senate Bill No. 765 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Price asked for and was granted unanimous consent to withdraw Senate Bill No. 581—An Act amending Section 2300 of the Political Code, relating to the state library fund.

Senate Bill No. 581 withdrawn and ordered stricken from the file.

THIRD READING OF SENATE BILLS—RESUMED.

Senate Bill No. 292—An Act to amend section sixteen hundred and sixty-five of the Political Code, relative to the course of study in public schools in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Thompson, Walker, Weed, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 505 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Strobbridge, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 762 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Savage, Stetson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.

On motion of Senator Martinelli, Senate Bill No. 773 was temporarily passed on file, to retain its place.

Senate Bill No. 22—An Act providing for the purchase by the State

Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Cullen, Hartman, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—Senators Caminetti, Campbell, and Holohan—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

On motion of Senator Campbell, Senate Bill No. 760 was temporarily passed on file, to retain its place.

Senate Bill No. 771—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Senate Bill No. 771 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

On motion of Senator Curtin, Senate Bill No. 832 was temporarily passed on file, to retain its place.

Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 836 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 890 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Rose Phelps of San Joaquin County.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907. Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 911 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Catten, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright 25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Senate Bill No. 768 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral, or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Boynton as a special committee of one to amend, as follows:

Inserting on line 1, page 1, before the word "Section" the word and figure "SECTION 1."

And:

Inserting on line 1, page 2, before the word "Section" the word and figure "Sec. 2."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 782, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 594—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State and to repeal all Acts and parts of Acts in conflict with this Act."

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 594 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cutten, Finn, Kennedy, Lewis, Martinelli, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 595—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 595 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cutten, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Thompson, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An Act to amend Section 435 of the Political Code relating to the duties of the State Controller.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 599 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cutten, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Thompson, Walker, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 596—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 596 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Stetson, Thompson, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 597—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury, and the duties of the Treasurer, Controller, and the Board of Examiners in connection therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 597 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Finn, Holohan, Kennedy, Leavitt, Martinelli, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 598—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 598 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

On motion of Senator Burnett, Senate Bill No. 662 was temporarily passed on file, to retain its place.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

On motion of Senator Burnett, Senate Bill No. 664 was temporarily passed on file, to retain its place.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Court of Appeal, in criminal cases.

On motion of Senator Burnett, Senate Bill No. 660 was temporarily passed on file, to retain its place.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals when and how taken, and the duty of the clerk upon appeal.

On motion of Senator Burnett, Senate Bill No. 661 was temporarily passed on file, to retain its place.

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

On motion of Senator Burnett, Senate Bill No. 657 was temporarily passed on file, to retain its place.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known

as Section 274a, relating to phonographic reporter, his competency and compensation.

On motion of Senator Burnett, Senate Bill No. 658 was temporarily passed on file, to retain its place.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

On motion of Senator Burnett, Senate Bill No. 663 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.

On motion of Senator Black, Senate Constitutional Amendment No. 37 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court.

The Legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the Constitution of this State be amended to read as follows:

Section 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment, the following amendment was submitted by committee:

On page 1, line 14, strike out the period, and insert in lieu thereof the following words: "and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof."

Amendment adopted.

Senate Constitutional Amendment No. 36 ordered to print and engrossment.

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobbridge as a special committee of one, to amend as follows:

By striking out of Section 1, line 3, the words "situate, lying", and all of lines 4, 5, 6, 7, and 8.

Also:

By striking out of Section 2, all of lines 1 to 12 inclusive, and in line 13 the words "by said court, September 13, 1897 and", and insert in lieu thereof the following: "described as follows, to-wit: Beginning at the point of intersection of the

northern line of Twelfth street dam and the eastern boundary line of lands heretofore granted unto the city of Oakland by the Oakland Waterfront Company, by deed dated November 6, 1891; thence northerly following said last named boundary line to its intersection with or meets with the charter line of the town of Oakland as established in the charter of said town granted in the year 1852, or intersects said line, produced easterly; thence easterly along the said northern boundary line of said town of Oakland produced easterly to the boulevard as now constructed; thence southerly and southwesterly along the shore line of said boulevard as it now exists to the said northern line of said Twelfth street dam; and thence westerly along said northerly line of said dam to the place of beginning, and also".

Also:

By striking out of Section 2, line 18, the word "are", and all of line 19, and insert in lieu thereof the following: "and all the salt marsh and tide lands lying between said southerly line of Twelfth street and the mouth of said north arm of said San Antonio estuary, are hereby granted to the city of Oakland, a municipal corporation."

And:

By striking out of Section 3, the words "Section 3", and insert in lieu thereof "Section 2".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 751, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 843—An Act providing for vacations for certain employees of the State

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 843 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 3591², providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Senate Bill No. 908 temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Bill No. 630—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.' "

On motion of Senator Holohan, Committee Substitute for Senate Bill No. 630 was temporarily passed on file, to retain its place.

Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Campbell, Finn, Holohan, Leavitt, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read.

During the reading of the title, the following amendment was offered:
By Senator Campbell:

Amend title of printed bill by striking out period after the word "municipalities", and inserting the following: "of the fourth, fifth, and sixth class not having a free-holders' charter."

Amendment adopted.

Bill ordered to print.

NOTICE OF MOTION TO RECONSIDER.

Senator Roseberry gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 378 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the State Board of Harbor Commissioners.

On motion of Senator Welch, Senate Bill No. 701 was ordered referred to Committee on Finance.

Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 829 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, and Weed—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 903—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants, and prescribing their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 903 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Estudillo, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Walker moved to refer to Senator Bills as a special committee of one to amend, as follows:

By striking out of Section 6, page 3, line 4, after the word "fund", the period (.), and inserting in lieu thereof a semicolon (;) and the following: "*provided* that in each and every county, and city and county, of this State, where fifteen hundred or more licenses are issued, per year, then in such county, or city and county, there shall be a deputy fish commissioner, who shall receive a salary of not more than twelve hundred dollars per year; and said salary shall be paid from the game preservation fund."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 741, with instructions to amend, respectfully reports the same back, amended as per instructions.

BILLS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

On motion of Senator Miller, Senate Bill No. 185 was temporarily passed on file, to retain its place.

Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

By inserting on page 1, Section 1, line 5, after the word "bait", the words: "in any of the waters of this State other than salt or brackish waters".

And:

By inserting on page 1, Section 1, line 8, after the word "bait", the words: "in said waters".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 837, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Senate Bill No. 314 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Senate Bill No. 931 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Senate Bill No. 932 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the insurance commissioner in relation thereto.

Senate Bill No. 730 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 731—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

Senate Bill No. 731 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Senate Bill No. 732 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Senate Bill No. 733 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 706—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bates moved to refer to Senator Wright as a special committee of one to amend, as follows:

By striking out of Section 1, line 158, the semicolon (:) after the word "delay", and inserting after the word "order", in line 157, a semicolon (;).

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 706, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to pro-

vide for the distribution of water for irrigation purposes." approved March 31, 1897, by amending Section 59 thereof.

Senate Bill No. 266 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections, to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and promulgating of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

On motion of Senator Wright Senate Bill No. 3 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT NO. 44.

A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for all the classification by the legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the constitution of the State of California:

First: Section five of article twelve is hereby amended to read as follows:

Section 5. The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 44 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Willis—30.

NOES—Senator Wright—1.

Senate Constitutional Amendment No. 44 ordered engrossed and transmitted to the Assembly.

Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holohan moved to refer to Senator Campbell as a special committee of one to amend, as follows:

Insert the enacting clause as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 220, with instructions to amend, respectively reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wright, the following message from the Assembly was taken up and read out of order:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully requests your honorable body to return Committee Substitute to Assembly Bill No. 7.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

MOTION.

Senator Willis moved that the above request be complied with.
Motion carried.

Committee Substitute for Assembly Bill No. 7 ordered withdrawn from Committee on County Government, and ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA
SACRAMENTO, February 22, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I herewith return Senate Bill No. 54—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effective prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act, to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1909—without my approval.

This bill passed the Senate January 28, A. D. 1909, and was received in this office on the 11th day of February, 1909. My reason for so doing is that at the session of 1905 there was added to the Civil Code of this State a new title, known as Title XIIa, which was intended to codify the Act of 1874, which the said Senate Bill No. 54 attempts to amend. The same matters contained in Senate Bill No. 54, herewith returned, are embraced in Senate Bill No. 15, which amends Section 6077, Title XIIa, of the Civil Code, all relating to the same subject-matter. Inasmuch as the Act for the prevention of cruelty to animals has been codified, it is better that all amendments relating thereto should be placed in the Civil Code and not in a special Act.

J. N. GILLET, Governor.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 54 sustained, by the following vote:

AYES—None.

NOES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Cutten, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—25.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 22, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 121—An Act to amend an Act entitled "An Act providing for the sale of street railroads and other franchises in cities and municipalities, and providing penalties for the granting of such franchises by boards of directors or other governing bodies in violation of certain Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

This bill is passed on account of an error appearing in the title thereof in the case of the word "provision" instead of the proper word "provisions." This error has been corrected by the introduction and passing of a new bill, which is now ready for approval.

J. N. GILLET, Governor.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 121 sustained by the following vote:

Ayes—None.

Noes—Senators Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estadillo, Fann, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis and Wright—26.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 35—An Act to amend Section 802 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class—without my approval for the following reasons:

This Act confers upon cities of the sixth class the power to issue subpoenas for the attendance of witnesses or the production of books or other documents for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees. After prescribing the method of issuance and service of such subpoenas the Act provides that the board of trustees may also by ordinance prescribe the punishment for disobedience of a subpoena issued and served as authorized herein.

This last provision is new in municipal affairs and might lead to much abuse. No provision is made nor is any right reserved by which the party subpoenaed may have the authority to issue the subpoena determined in any way. Upon the adoption of an ordinance making the failure to obey a subpoena a misdemeanor, the mere proof of the failure to obey would result in a conviction, even though the issuance of such subpoena may have no justification in law.

The power to punish for a contempt of its process is inherent in courts, yet the law provides many safeguards for the rights of witnesses, and upon a proper showing a witness may purge himself of contempt. These provisions are denied him when arrested for the violation of an ordinance prescribing a punishment for a failure to obey a subpoena. The issue is jury or not jury, and proof of such failure results in conviction.

Admittedly, conviction for a contempt of court, the usual imprisonment is limited to six months. I think this statutory provision the punishment for every failure of six months. This punishment is not at all proportionate to the seriousness of the crime, and would undoubtedly lead to much abuse.

J. N. GILLET, Governor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 35 sustained by the following vote:

Ayes—None.

Noes—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estadillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Willis—25.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read out of order:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 646—An Act to amend Section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner, and the salaries, duties, and qualifications of his appointees.

Also: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

Also: Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 582—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Also: Senate Bill No. 756—An Act to amend Section 741 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 808—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Also: Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Also: Senate Bill No. 584—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 646, 977, 775, 593, 585, 582, 689, 756, 808, 1217, and 584 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 673—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Also: Senate Bill No. 758—An Act to amend Section 756 of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees.

Also: Senate Bill No. 1013—An Act to amend Section 385 and 386 of the Political Code, relating to the salaries of the private secretary and the executive secretary of the Governor.

Also: Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 673, 758, 586, and 1013 ordered on file for second reading.

Assembly Bill No. 607 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 23, 1909

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$779.75 in payment of the bills hereto attached, the said sum to be payable out of the contingent fund of the Senate:

H. S. Crocker	\$413 75
Scott, Lyman & Stack	117 50
Geo. C. Solch Co.....	248 50

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

RUSH, Acting Chairman

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Campbell, Estradillo, Funn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Savage, Strobidge, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Julian Sonntag of San Francisco.

Also:

On request of Senator Walker, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. F. W. Hogan of San Jose.

Also:

On request of Senator Thompson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. H. W. O'Melveny of Los Angeles.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Lynn Helm of Los Angeles.

MOTION.

Senator McCartney moved that Senate Bill No. 245 be transferred from its place on file, as a special order, to the second-reading file of Senate bills.

Motion unanimously carried.

Senate Bill No. 245 ordered on file for second reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a*, of the Penal Code of the State of California, all relating to crimes against children.

During second reading of bill, the following amendments were submitted by committee:

In the title of the bill strike out the figures "270".

Amendment adopted.

Also:

Strike out all of Section 1.

Amendment adopted.

Also:

Change the numbering of Sections "2" and "3" to "1" and "2".

Amendment adopted.

And:

Strike out all of Section 4.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out all of Sections 1 and 2 after the word "unless", and insert in lieu thereof the following:

"1. It is accompanied by the affidavit of all the parties thereto that it is made in good faith and without any design to hinder, delay, or defraud creditors;

2. It is acknowledged or proved, certified and recorded, in like manner as grants of real property;

3. Such mortgage shall also be void as against any such purchasers, creditors or incumbrancers who take possession of such property, or acquire a lien of record or by process of court thereon prior to the recordation of such mortgage."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed," approved, March 26, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by striking out after the words "Penal Code of", the words "the State of".

Amendment adopted.

Also:

Page 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

Page 1, line 1, after the figures and letter "161*a*" insert the words "of the Penal Code of California".

Amendment adopted.

Also:

Page 1, line 4, strike out the words "or holds".

Amendment adopted.

And:

Page 1, line 4, strike out the word "out".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILLS.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 574—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Senate Bill No. 574 withdrawn, and ordered stricken from the file.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nine of article eleven thereof, relating to the compensation of officers, and the extension of the term of officers.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section nine of article eleven of the Constitution of the State of California be amended to read as follows:

Section 9. The compensation of any State, county, city, town, township, or municipal officer shall not be increased after his election or during his term of office; nor shall the salary provided to be paid any deputy of any of the State officers be increased during the term of his principal, nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. An increase in the number of deputies of any of the State officers shall not be deemed to be an increase of salary of the principal.

Assembly constitutional amendment read.

The question being upon the adoption of the Assembly constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stetson moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirty minutes P. M., Senators Welch and Finn were brought to the bar of the Senate, and, on motion of Senator Willis, they were excused for absence from the Senate Chamber.

At two o'clock and thirty-two minutes P. M., Senator Boynton was brought to the bar of the Senate, and on motion of Senator Stetson he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stetson.

The roll of absentees was called.

Whereupon the President announced that Assembly Constitutional Amendment No. 13 was refused adoption by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Caminetti, Campbell, Curtin, Cutten, Holohan, Leavitt, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Willis, and Wright—18.

NOES—Senators Bills, Black, Boynton, Burnett, Finn, Hartman, Kennedy, Lewis, Martinelli, McCartney, Reily, Stetson, Walker, Weed, and Welch—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Stetson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 13 was this day refused adoption.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

On motion of Senator Caminetti, Assembly Bill No. 228 was temporarily passed on file, to retain its place.

Assembly Bill No. 123—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 170c, relating to the support of indigent parents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Strobbridge, Thompson, Welch, Willis, and Wright—22.

NOES—Senators Price, Reily, Roseberry, Savage, Stetson, Walker, and Weed—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION NO. 10.

Approving the charter of the Town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

WHEREAS, The Town of Berkeley, a municipal corporation of the county of Alameda, State of California, now is and was at all times herein referred to a city containing a population of more than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said town on the 21st day of November, 1908, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said town by the qualified electors thereof, to prepare and propose a charter for the government of said town; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said Town of Berkeley; and

WHEREAS, Said charter was on the 14th day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said Town of Berkeley,

and the other copy with the county recorder of the said county of Alameda and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Berkeley Reporter" and in "The Berkeley Independent," each being a daily newspaper of general circulation in said Town of Berkeley, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the Board of Trustees of the Town of Berkeley to the qualified electors of said Town of Berkeley at a special election, previously duly called and therein held on the 30th day of January, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said Town of Berkeley, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for Subdivision 29 of Section 49, Article IX of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF BERKELEY PREPARED AND ADOPTED BY THE BOARD OF FREEHOLDERS ELECTED NOVEMBER 21, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CONTENTS.

ARTICLE	I.—Name and Rights of the City.
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ARTICLE	IX.—Powers of the City and of the Council.
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ARTICLE	XVI.—Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the Town of Berkeley shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Berkeley, and by such name shall have perpetual succession.

Rights and liabilities.

SEC. 2. The City of Berkeley shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the City of Berkeley shall be as follows:

Beginning at the point of intersection of the boundary line between Alameda County and Contra Costa County, California, with the eastern line of plot number eighty-three (83) as said plot is shown on Kellersberger's map of the subdivision of the rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County; thence southerly along the eastern line of said plot eighty-three (83) and plots eighty-two (82) and eighty (80) and along the prolongation of said eastern line of said plot eighty (80) southerly across plots seventy-eight

29th, 1893, on page 4 of Map Book No. 15, in the office of the County Recorder of Alameda County; thence northerly along the line dividing lots numbers 165 to 176 inclusive and numbers 178 to 186 inclusive on the east, and lots numbers 187 to 204 inclusive on the west to a point on the southern line of lot No. 162, all of said lots being of said resubdivision of Peralta Park; thence westerly along the northern boundary line of lot 204 to the corner common to lots 161 and 162; thence northerly along the line dividing said lots 161 and 162 as shown on said map of resubdivision of Peralta Park to the southern line of Posen avenue; thence northerly, crossing Posen avenue to a point on the northern line of same at the corner common to lots 116 and 117 of said resubdivision of Peralta Park; thence northerly along the line dividing lots 117, 107 and 94 on the west from lots 116, 108 and 93 on the east to the corner common to said lots 93 and 94, on the northern boundary of said Peralta Park; thence easterly along the northern line of Peralta Park to the southeasterly corner of lot number 1 in block number 16 as surveyed in "Northbrae, Berkeley, California," a map of which was filed in the office of the Recorder of Alameda County on April 8th, 1907, on page 65 of Map Book No. 22; thence northeasterly along said line to a point on the northwesterly line of Monterey avenue as per map of "Northbrae," where said northwesterly line of Monterey avenue intersects the western line of that certain piece or parcel of land conveyed by George Sterling and Clara R. Sterling to the Berkeley Development Company by deed dated October 13th, 1894, and recorded at page 92 in book of deeds number 1243; thence north 9 degrees 45 minutes west along the western line of said last named piece or parcel of land twenty-five hundred and fifty-eight (2558) feet, more or less, to the northwesterly corner of said piece or parcel of land; thence north 80 degrees 15 minutes east along the northerly line of said last named piece or parcel of land twenty-nine hundred and twenty and 89-100 (2919.89) feet to a point in the center line of county road number three, said county road being also commonly known as Spruce street, and described as "Spruce street" on map entitled "North Cragmont, Berkeley, Cal.," filed in the office of the County Recorder of Alameda County on April 20th, 1908, on page 87 of Map Book No. 23; thence southerly and following the center line of said county road No. 4398 to its intersection with "Sawyers partition line"; thence north 60 degrees 30 minutes east along said "Sawyers partition line," said line being identical with the northern line of "Tuohys Second Addition," to the corner common to plots "Q" and "R" as shown on map entitled "Map of the undivided mountain and hill land of Vincente and Domingo Peralta rancho as partitioned by a decree of the Third District Court, March 2d, 1875," filed in the office of the County Recorder of Alameda County, October 6th, 1875, on page 30 of Map Book No. 19; thence south 5 degrees east along said line dividing said plots "Q" and "R" eleven hundred and sixteen and 72-100 (1116.72) feet to the northern line of Berkeley, as per description in charter adopted March 5th, 1895; thence easterly along said northern line of Berkeley as per charter adopted March 5th, 1895, said line being identical with the northern lines of plots eighty-four (84) and eighty-three (83) as per Kellersberger's map of the subdivision of the rancho of Vincente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, to a point on the line dividing Alameda County and Contra Costa County, said point being the most northern point on the boundary of said plot 83; thence southerly and southeasterly along said line between said Alameda and Contra Costa counties to the point of beginning.

ARTICLE III.

ELECTIONS.

General and special municipal elections.

SEC. 4. A municipal election shall be held in the city on the first Saturday in May in the year 1909, and on the first Saturday in April in 1911 and on the first Saturday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivision 22 of Section 5, on the third Saturday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of candidacy.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA, }
 County of Alameda, } ss.
 City of Berkeley. }

Prec. No.

I, the undersigned, certify that I do hereby join in a petition for the nomination of whose residence is at No. street, Berkeley, for the office of to be voted for at the municipal election to be held in the City of Berkeley on the day of 19..... and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; and that my residence is at No. street, Berkeley, and that my occupation is

(Signed)

STATE OF CALIFORNIA, }
 County of Alameda, } ss.
 City of Berkeley. }

..... being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed)

Subscribed and sworn to before me this..... day of 19.....

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to at No. street, Berkeley, Cal.

Forms to be supplied by the city clerk.

(1) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification deputies.

(6) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk.

Date of presenting petition.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing

designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of petitions.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election proclamation.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Berkeley, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the City of Berkeley. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal election, now or hereafter in force, except as above required.

Form of ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

General (or special) municipal election, City of Berkeley.

(Inserting date thereof.)

INSTRUCTIONS TO VOTERS: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every nominee to be on the ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For auditor (if any) vote for one."

"For councilman (if any) vote for (giving number)."

"For school directors (if any) vote for (giving number)."

Space for voting cross.

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

(20) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of second election.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

Rules governing second election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General election regulations.

SEC. 6. (1) The provisions of the state law relating to the qualification of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, *provided* that the

council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of Section 5 so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for recall.

(2) A petition signed by qualified electors equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

Provisions of section 5 apply.

(3) The provisions of Section 5 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Election under recall petition.

(4) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Candidates. Election.

(6) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Section 5.

Incumbent removed.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

No recall petition for first three months.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The elective officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor, four councilmen, and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

Elected at large.

SEC. 9. The mayor, auditor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, auditor and councilmen.

SEC. 10. To be eligible for the office of mayor, auditor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley.

Eligibility of school directors.

SEC. 11. To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the City of Berkeley.

Vacancy in office of mayor, auditor or councilman.

SEC. 12. If a vacancy shall occur in the office of mayor, auditor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 22 of Section 5 of this charter a mayor, auditor or the recalled member of councilman be not elected or rejected at a 10 vote among any of the candidates therefor, then the council, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Vacancy in office of school director.

SEC. 13. If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 22 of Section 5 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Mayor's and auditor's term of office.

SEC. 14. The mayor and auditor shall each hold office for a term of two years from and after the first day of July after his election, and until his successor is elected and qualified.

Councilmen's term of office.

SEC. 15. The councilmen shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. *Provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected two councilmen.

School director's term of office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. *Provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors.

Official bonds.

SEC. 17. The mayor, auditor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each, in the penal sum of \$10,000, each councilman in the penal sum of \$5,000, and each school director in the penal sum of \$2500.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the auditor and the several councilmen and school directors must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with

the city clerk. All the provisions of any law of this state, relating to official bonds not inconsistent with this charter, shall be complied with.

Oath of office.

SEC. 18. Every officer of the city, before entering upon the duties of his office shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

Salaries.

SEC. 19. The mayor shall receive an annual salary of \$2,400, payable in equal monthly installments.

The auditor shall receive an annual salary of \$1,800, payable in equal monthly installments.

Each councilman shall receive an annual salary of \$1,800, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than \$15 in any one month.

Administering oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission, or to answer any question which any officer, or a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.

THE MAYOR.

The chief executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's report.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

SEC. 25. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to assign duties to the departments.

SEC. 28. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

The four commissioners.

SEC. 29. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, by ordinance or by resolution published for two days, whenever it determines that the public service will be benefited thereby.

The chief officials.

SEC. 30. The chief officials of the city shall be city clerk, assessor, treasurer, collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate officers and employees.

SEC. 31. The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of officers and employees.

SEC. 32. The compensation of all city officers provided for by Section 30 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of departments.

SEC. 33. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports to be published.

SEC. 34. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilmen to hold no other office.

SEC. 35. No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he is a member thereof, until one year after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

SEC. 36. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

Political and religious tests.

SEC. 37. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VIII.

THE COUNCIL.

The council the governing body.

SEC. 38. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

President and vice-president.

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

SEC. 40. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

SEC. 41. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of proceeding.

SEC. 43. The council shall establish rules for its proceedings.

Ordinances and resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

(35) The enacting clause of all ordinances passed by the council shall be in these words: "B. it is ordered by the Council of the City of Berkeley as follows."

Requirements of an ordinance.

(36) To become an ordinance a bill must be on the final action thereon be passed to print and published with the axes and goes for two days, and, in case of any ordinance not being ready three days before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

Ordinances required in certain cases.

(37) No action providing for the special improvements or the appropriation or expenditure of any public money, either sums less than five hundred dollars, for the construction, reconstruction, or a lease of public property, for the leasing of any public property, for the granting of any franchise, for establishing or changing the limits of the city, for the purchase of any territory, shall be taken, except by ordinance; provided, that such ordinances be filed, and may be called for in cases where the council takes action in pursuance of a general law of the state.

Reconsideration.

(38) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

(39) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and amendment.

(40) No ordinance shall be revised, re-enacted or amended by reference to its title only. If the ordinance to be revised or amended, or the section or sections thereof to be revised or amended, contain or sections to be added thereto shall be so far forth amended in the method provided in this section for the revision of ordinances.

Repeal.

(41) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(42) No bill for the grant of any franchise shall be on its final passage within thirty days after its introduction, and no franchise shall be granted within one year prior to its expiration.

Record of city ordinances.

(43) A true and correct copy of all ordinances shall be kept and certified to by the city clerk as a record of City Ordinances. Such records kept with such certification of the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the date passed and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

Sec. 45. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Publication of charter and ordinances.

Sec. 46. The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

Sec. 47. Without denial or disparagement of other powers held under the constitution and laws of the State, the City of Berkeley shall have the right and power:

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools,

kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions.

Water, light, heat and power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms or corporations outside the city with water, gas and electricity.

Telephone, telegraph and transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephones and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Sale of products of public utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for public purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and otherwise use any other public purposes; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of public utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Bequests and donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing money. Bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special tax.

(9) To raise money by a special tax, in addition to the annual tax levy provided in Section 57 of this charter. To authorize such special tax, the provisions of Section 92 of Article XIII relating to the initiative, or of Section 94 of Article XIV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint ownership of water supply.

(10) To join with one or more cities incorporated under the constitution and laws of the State in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct legislation by people.

SEC. 48. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the council enumerated.

SEC. 49. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Police and fire departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and fire alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitro-glycerine, fireworks and other explosive materials and substances.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing, to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for safety in theatres, halls, etc.

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

Provisions for safety in streets.

(15) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

(16) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and rubbish on sidewalks.

(17) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and signs.

(18) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(19) To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public pound.

(20) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to animals.

(21) To prohibit and punish cruelty to animals; and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of health.

(22) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and offensive occupations; disagreeable noises.

(23) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of food products.

(24) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(25) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

(26) To regulate lodging, tenement and apartment houses and to protect the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sanitary regulations.

(27) To regulate the construction, use and use of sewers, sinks, gutters, wells, cesspools and drains, and to control the construction, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(28) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

(29) To license for purposes of regulation and revenue all and every kind of business that is required to be conducted or carried on in the city, to fix the rates of license thereon, and to provide for the collection thereof by suit or otherwise.

Regulation of public vehicles.

(30) To establish standards for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and require schedules of such carriages to be posted in or upon such public vehicles.

Weights and measures.

(31) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Public shows. Gambling.

(32) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

(33) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(34) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously collected taxes.

(35) To order the returning by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(36) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's urgency fund.

(37) To create an urgency fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of lands owned by the city.

(38) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

Purchase of property under execution.

(39) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(40) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(41) To provide for the execution of all trusts confided to the city.

Street grades.

(42) To establish or change the grade of any street or public place.

Street work.

(43) To order the whole or any part of any street, avenue, lane, alley, court or place within the City of Berkeley to be graded or regraded to the official grade, plankd or replankd, paved or re-paved, macadamized or re-macadamized, gravelled or re-gravelled, piled or re-piled, capped or re-capped, sewerd or re-sewerd, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street opening.

(44) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of San Francisco Bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under direction of the commissioner of public works of the city, who shall receive no compensation therefor.

Light and water.

(45) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(46) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Articles XIII and XIV.

Closed or abandoned streets.

(47) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise the council shall deem that equity requires.

Water front and wharves.

(48) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

Regulation of public utility rates.

(49) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephonic service, supplied the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of street railroads.

(50) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to keep streets in repair.

(51) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Spur tracks.

(52) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads that may be built along the water front or with other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires.

(53) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

(54) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(55) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

(56) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic art commission.

(57) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park commission.

(58) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground commission.

(59) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of public charities.

(60) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal ownership.

(61) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional powers.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the Constitution of the State, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

FINANCE AND TAXATION.

The fiscal year.

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax system.

SEC. 51. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the City of Berkeley is situated and taxes collected by the tax collector of said county for and on behalf of the City of Berkeley. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual estimate of city's requirements and revenue.

SEC. 53. On or before the first Monday in May in each year or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget.

SEC. 54. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of equalization.

SEC. 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until the last Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, *provided* that notice shall be given to the party whose assessment is to be raised.

Annual tax levy.

SEC. 56. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of tax levy.

SEC. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council in making the levy shall apportion not less than thirty-five cents to the school fund, unless the estimate of the board of education calls for a less amount. The remainder of such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond tax. Library tax.

SEC. 58. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms.

Cash basis fund.

SEC. 59. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

SEC. 60. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor.

SEC. 61. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city from whatever source, and including the school department and the free public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Money to meet warrants.

SEC. 62. When the running expenses of the city have been placed on a cash basis, warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate funds in the treasury to pay said warrants.

Disposition of money collected.

SEC. 63. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the council, and

immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform accounts and reports.

SEC. 64. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

SEC. 65. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the City of Berkeley by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for official advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year: *provided,* that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts for lighting.

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for water.

SEC. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to other consumers.

Hours of labor.

SEC. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with bidder.

SEC. 72. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Connession by bidder.

SEC. 73. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE XII.

FRANCHISES.

Property rights of the city inalienable.

SEC. 74. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

SEC. 75. No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to use streets.

SEC. 76. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for franchises.

SEC. 77. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, *provided* that such percentage be not less than two per cent of said gross annual receipts during the first ten years, not less than three per cent during the second ten years, not less than four per cent during the third ten years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided* that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

(4) Every application and bid for franchises under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm, or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchises.

Sec. 78. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and completion of work.

Sec. 79. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise, and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Service and accommodation.

Sec. 80. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

Sec. 81. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city without paying therefor and with all the rights of other passengers.

Right of city to assume ownership.

SEC. 82. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No conveyance necessary for city's ownership.

SEC. 83. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or assignment of franchise.

SEC. 84. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

SEC. 85. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and re-pave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

SEC. 86. The City of Berkeley, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual reports of company.

SEC. 87. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the City of Berkeley for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

SEC. 88. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for non-compliance.

SEC. 89. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any

of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Reservation for belt lines.

SEC. 90. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of San Francisco beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the bay of San Francisco shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Franchise not in use forfeited.

SEC. 91. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE XIII.

THE INITIATIVE.

Direct legislation.

SEC. 92. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of section 5 apply.

(2) The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Fifteen per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote, under the provisions of Article XIV of this charter); or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Five per cent petition.

(4) If the petition be signed by electors equal in number to at least five, but less than fifteen, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Publication of popular ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several ordinances at one election.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Limit to special elections.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of popular ordinance.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further regulations.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 5 of Article III thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

SEC. 93. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council: *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote.

SEC. 94. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further regulations.

SEC. 95. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 5 of Article III thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

The board of education.

SEC. 96. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

President of the board.

SEC. 97. The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

Meetings.

SEC. 98. The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

Quorum.

SEC. 99. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

Rules of proceedings.

SEC. 100. The board of education may determine the rules of its proceedings.

Meetings to be public.

SEC. 101. All meetings of the board of education shall be public.

Superintendent of schools.

SEC. 102. The board of education shall appoint a superintendent of schools and fix his compensation.

Powers and duties of the superintendent.

SEC. 103. The superintendent of schools shall be the executive officer of the board of education, and he shall give his full time to the duties of his office. He shall be subject only to the board of education, and all orders of the board relating to the direction of the principals, teachers and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

Powers of superintendent with reference to teachers.

SEC. 104. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Election of teachers.

SEC. 105. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Tenure of teachers.

SEC. 106. For the first two years of their service in the school department of the city, teachers shall be subject to annual election. After two years' service they shall be elected for a term of three years.

School warrants.

SEC. 107. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in Section 61.

Annual estimate of expenses.

SEC. 108. The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

MISCELLANEOUS.

When this charter takes effect.

SEC. 109. For the purpose of nominating candidates and electing mayor, auditor, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1909.

First election under this charter.

SEC. 110. The board of trustees of the town of Berkeley in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of incumbents in office.

SEC. 111. The members of the board of trustees, the auditor, and the members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, councilmen and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing ordinances continued in force.

SEC. 112. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of legal proceedings.

SEC. 113. The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

SEC. 114. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the City of Berkeley is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Berkeley.

CERTIFICATE.

WHEREAS, The Town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-first day of November, nineteen hundred and eight, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect R. A. Berry, C. A. Blank, J. W. Flinn, F. W. Foss, John M. Foy, Beverly L. Hodghead, Christian Hoff, William Carey Jones, E. E. Newton, J. T. Remas, J. W. Richards, J. T. Short, J. L. Tisdale, Benjamin Ide Wheeler and S. N. Wyckoff a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the City of Berkeley, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall, if approved by the voters, take the place of Subdivision 29 of Section 49, Article IX of the proposed charter, which reads as follows: "To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition, prohibiting the sale of liquor, take the place of Subdivision 29, Section 49, Article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that the council shall have no power to license the sale of any spirituous, malt, vinous or alcoholic liquors; and every person who, within the boundaries of the City of Berkeley, sells, barter, gives away or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. Nothing in this section shall prevent the council from regulating the sale of such liquors by a regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF. We have hereunto set our hands in duplicate this fourteenth day of December, one thousand nine hundred and eight.

WM. CAREY JONES, President.
R. A. BERRY.
C. A. BLANK.
F. W. FOSS.
JOHN M. FOY.
BEVERLY L. HODGHEAD.
C. HOFF.
E. E. NEWTON.
J. T. RENAS.
J. W. RICHARDS.
J. T. SHORT.
J. L. TISDALE.
BENJ. IDE WHEELER.
S. N. WYCKOFF.

Attest: J. W. FLINN, Secretary.

STATE OF CALIFORNIA,
County of Alameda, } ss.
Town of Berkeley.

I, Francis Ferrier, President of the Board of Trustees of the Town of Berkeley, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 21st day of November, 1908, at a special municipal election held in said Town of Berkeley on said day, duly elected by the qualified electors of said town to prepare and propose a charter for said town; that each of said freeholders had been a qualified elector and freeholder in said town for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Berkeley Reporter" and in "The Berkeley Independent," which then were daily newspapers of general circulation in said town, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8, to wit, on the 30th day of January, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained, being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for Subdivision 29 of Section 49 of Article IX of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said Town of Berkeley on the 3d day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said Town of Berkeley to be affixed this 3d day of February, 1909.

FRANCIS FERRIER,
President of the Board of Trustees of
the Town of Berkeley.

[SEAL.]

Attest: J. V. MENDENHALL,
Town Clerk of said Town of Berkeley.

AND, WHEREAS, Said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the Legislature of the State of California

for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the town of Berkeley, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said town, be, and the same is hereby, approved as a whole as and for the charter of the said Town of Berkeley.

Assembly concurrent resolution read.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Assembly Bill No. 848 temporarily passed on file, to retain its place.

Assembly Bill No. 56—An Act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.
Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Cullen as a special committee of one to amend, as follows:

Amend the title, first line, by adding after the words "Political Code" the words "of the State of California, to be numbered 1195a".

Also:

In Section 1, line 2, after the word "Code" insert the words "of the State of California".

Also:

In Section 1, line 3, strike out the word "Section".

And:

Strike out all of Section 2.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 227, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 657—An Act to provide for the transfer from the general fund of the State Treasury to the San Francisco harbor improvement fund of the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 831—An Act making an appropriation to pay for the rental and janitor service of quarters of the Second District Court of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 626—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296—An Act to amend Section 4250 of the Political Code of the State of California, relating to the compensation and expense of officers in counties of the twenty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—28.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following reports of special committee were received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Miller, relating to legalizing tax deeds, have had the same under consideration, and respectfully report the same back, and recommend that the Constitution be suspended and the bill permitted introduction.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Miller be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—32.
 NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Miller: Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred

and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Willis, relating to powers of trustees of cities of the sixth class, have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the Constitution be suspended, and that the bill be permitted introduction.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Willis be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Willis: Senate Bill No. 1233—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Bates, relating to an Act authorizing suits against the State concerning real property, etc., have had the same under consideration, and respectfully report the same back, and recommend that the Constitution be suspended to permit Senator Bates to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Bates be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cami-

netti, Campbell, Curtin, Cutton, Estudillo, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Bates: Senate Bill No. 1234—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Leavitt, relating to transferring money from the general fund to the state printing fund, have had the same under consideration, and respectfully report the same back, and recommend that the Constitution be suspended and that Senator Leavitt be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Leavitt be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Leavitt: Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered out of order:

By Senator Welch:

Resolved, That the sum of forty dollars be paid to C. J. Sykes for services as porter out of the contingent fund of the Senate, and the Controller is directed to draw his warrant for the same, and the Treasurer is required to pay the same.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—34.

NOES—None.

RE-REFERENCE OF SENATE CONSTITUTIONAL AMENDMENT TO COMMITTEE.

On motion of Senator Campbell, Committee Substitute for Senate Constitutional Amendment No. 4 was ordered re-referred to Committee on Judiciary.

MOTION.

On motion of Senator Stetson, Senate Constitutional Amendment No. 14 was ordered placed at the foot of the third-reading file.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 24, 1909.)

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holo-
han, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily,
Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed,
Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 23, 1909, the further reading was dispensed with, on motion of Senator Willis.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By Senator Rush:

NAPA, CAL., February 16, 1909.

To the Hon. BENJAMIN F. RUSH, Senator from Napa and Solano Counties, Sacra-
mento, Cal.:

We, the undersigned residents and citizens of the county of Napa, State of California, do hereby respectfully request that you use your utmost influence to oppose the following bills before the Legislature of California, to wit:

Assembly Bills Nos. 37, 40, 147, 344, 345, 423, 774, and 818.

Senate Bills Nos. 55, 260, 363, 445, and 602.

The undersigned feel that these bills are aimed directly at and are inimical to the wine and beer interests of our county and State.

C. I. Newcomb, F. G. Nyes, C. F. Ross, R. M. Keyser, E. A. Katon, and others.

Also:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

S. H. Wyckoff, L. J. Norton, J. W. Hoover, D. C. Treadway, R. R. Ramsey, and others.

Also:

By Senator Savage:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

J. D. Seward, John M. Levy, E. T. McLure, B. A. Moore, John Carden, and others.

PRIVILEGE OF FLOOR EXTENDED.

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. F. T. Duhring of Sonoma County.

Also:

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Leslie Hewitt of Los Angeles.

Also:

On request of Senator Roseberry, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. L. E. Blochman of Santa Maria, Santa Barbara County.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. L. McEnerney of San Francisco.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 948—An Act to provide for the formation, organization, and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements.

Also: Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901," approved March 18, 1905.

Also: Senate Bill No. 537—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Also: Senate Bill No. 276—An Act to add a new section to the Political Code of the State of California, to be numbered 1195*a*, relating to the submission of amendments to the Constitution.

Also: Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 675—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Also: Senate Bill No. 229—An Act to establish and support a Bureau of Immigration.

Also: Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred *a* and section twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

Also: Senate Bill No. 621—An Act to define personal property brokers, and regulate their charge and business.

Also: Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Also: Senate Bill No. 344—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628*a*, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 28, relating to the establishment, construction, and maintenance of state rail highways for steam, electric, motor, and other train service.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties.

Also: Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Also: Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the

revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Also: Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

Also: Senate Bill No. 1056—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Also: Senate Bill No. 1084—An Act to amend section four thousand two hundred and forty-two of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Also: Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Also: Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Also: Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Also: Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

Also: Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents during reproduction, and making an appropriation therefor.

Also: Senate Bill No. 38—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvement to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 641—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.

Also: Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Engineering of the State of California of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, to place such highway under the supervision, management, and control of such Department of Engineering, and to designate and name such state highway as the Mono State Highway.

Also: Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Also: Senate Bill No. 331—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending section three thereof.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 948, 535, 537, 276, 767, 695, 229, 133, 624, 249, 344, 763, 838, 921, 353, 234, 215, 995, 728, 1056, 1084, 1085, 530, 934, 184, 944, 939, 38, 95, 641, 322, 67, 1075, 455, 331, 1108, and 717 ordered on file for third reading.

Senate Constitutional Amendments Nos. 26 and 14 ordered on file.

Senate Constitutional Amendment No. 44 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Sanford to give Senate Bill No. 24—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state, and national conventions, and prohibiting corrupt practices in such elections—second reading, the same was taken up for consideration.

Senator Wolfe moved that Senate Bill No. 24 be denied second reading.

The motion was duly seconded, and carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Caminetti to adopt the following resolution by Senator Caminetti of February 19th, to recall Senate Joint Resolution No. 7 from Committee on Federal Relations, relating to Asiatic immigration.

The same was taken up for consideration.

Senator Caminetti asked for and was granted unanimous consent to withdraw his motion to adopt the above resolution.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Joint Resolution No. 3—Relative to transportation rates, and urging our representatives in Congress to

support measures granting increased powers to the Interstate Commerce Commission—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 3?"

Strike out all of lines 20, 21, 22, 23, 24, 25a, and 26, 27, 28, 29, 30, 37, 38, 39, 40, 41, 42, and 43 of printed bill.

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Joint Resolution No. 3 by the following vote:

AYES—Senators Bates, Boynton, Price, and Willis—4.

NOES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Canton, Hare, Hendon, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reay, Roscherry, Rush, Sanford, Savage, Stetson, Stenbridge, Walker, Wood, Wolfe, and Wright—28.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on next legislative day he would move a reconsideration of the vote whereby the Senate refused to concur in Assembly amendment to Senate Joint Resolution No. 3 on this day.

LEAVE OF ABSENCE.

Senator Hurd was, on motion of Senator Savage, granted leave of absence for this day.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1909.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed Senate Bill No. 524—An Act to provide for public cemetery districts.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 524 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 47—An Act providing for the sanitation of food preparing establishments, places where food is stored, prepared, kept or manufactured, and in which food is distributed; regulating the health of persons by whom the matters from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same; making violations of this Act misdemeanors, and providing for the punishment of the same.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 47?"

Strike out the words "or other place", in line 3, Section 7, and insert in lieu thereof the following: "or", after the word "kitchen", same line and section.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 47 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Escondido, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller,

Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Weed, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 47 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 618—An Act to amend Sections 3921 and 3922 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

Also: Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 618 read first time, and ordered referred to Committee on County Government.

Committee Substitute for Assembly Bill No. 920 read first time, and ordered on file for second reading without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or encumbrancers.

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Also: Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903; approved March 24, 1903.

Also: Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Also: Assembly Bill No. 302—An Act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard.

Also: Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk.

Also: Assembly Bill No. 447—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1899.

Also: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, *now submitted*.

Also: Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 217, 228, 323, 324, 453, 495, 526, 531, 633, and 678 ordered to enrollment.

Assembly Bills Nos. 139, 204, 302, 441, 447, 992, 1125, and 1126 read first time.

Assembly Bill No. 139 ordered referred to Committee on Education.

Assembly Bills Nos. 204 and 1126 ordered referred to Committee on Elections and Election Laws.

Assembly Bill No. 302 ordered referred to Committee on Military Affairs.

Assembly Bill No. 441 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 447 ordered referred to Committee on Finance.

Assembly Bill No. 992 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1125 ordered referred to Committee on Judiciary.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received:

ON OBSERVANCE OF WASHINGTON'S BIRTHDAY.

SENATE CHAMBER, SACRAMENTO, CAL., February 24, 1909.

MR. PRESIDENT: Your Committee on Washington's Birthday Exercises, appointed pursuant to the following resolution:

Resolved by the Senate, the Assembly concurring. That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as herein-after provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved. That a committee of three members of the Senate be appointed to confer with a like committee from the Assembly to arrange a program of exercises and to provide a place and fix the time of said joint meeting, said committees to be appointed

by the President of the Senate and the Speaker of the Assembly, respectively, and any expenses incurred to be paid equally by the Senate and Assembly out of their contingent funds.

Beg leave to report that exercises were conducted in the Assembly Chamber on the evening of February 22, 1909, and a program carried out, which has already appeared in the Journal of this Senate, a joint session of the Senate and Assembly having been held on that occasion. Expenses were incurred as follows, to wit:

Printing programs	\$30 00
Music (including piano rental)	70 00
Washington's picture, and placing decorations.....	20 00
Plants and flowers	10 00
Clerk	20 00
Total expense incurred	\$150 00

One half of which amount, or \$75.00, is payable out of the contingent fund of the Senate, and the remaining half, or \$75.00, out of the contingent fund of the Assembly.
Respectfully submitted,

ESTUDILLO,
HOLOHAN,
WRIGHT.

Special Committee of the Senate.

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the contingent fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of seventy-five dollars (\$75.00) in favor of the Sergeant-at-Arms of the Senate, the same being for the payment of bills attached.

Report and resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 1235 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Also: Senate Bill No. 1080—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Also: Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 283—An Act to provide equipment for a state pathological laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No. 539—An Act to appropriate the sum of \$101,314 for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, etc.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Also: Senate Bill No. 714—An Act appropriating the sum of \$1,000 for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 716—An Act appropriating the sum of \$2,500 for the purchase of sterilizers, an ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 242, 1003, 1080, 101, 283, 538, 284, 539, 1055, 464, 465, 714, and 716 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 359—An Act to authorize certain improvements upon the buildings, grounds, and streets adjacent to the grounds of the California Institution for the Deaf and Blind, at Berkeley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the committee substitute do pass.

LEAVITT, Chairman.

Senate Bill No. 359 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 541—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Also: Senate Bill No. 542—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be withdrawn.

LEAVITT, Chairman.

Senate Bills Nos. 541 and 542 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bills Nos. 541 and 542.

Senate Bill No. 541—An Act providing for investigations of plant diseases and pests, and making an appropriation therefor.

Senate Bill No. 542—An Act providing for the improvement of the cereal crops of California and appropriating money therefor.

Senate Bills Nos. 541 and 542 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 48 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants, etc.

Also: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 540—An Act making an appropriation of \$6,527.12 to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 161, 349, and 540 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred the Engrossed Senate Bill No. 132—An Act to amend Sections 2981 and 2982 of the Political Code, relating to the State Board of Health.

Also: Engrossed Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to a special committee of one to amend.

LEAVITT, Chairman.

Senate Bills Nos. 132 and 590 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1054—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of small trees and chaparral growing upon wild or uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

WILLIS, Chairman.

Senate Bill No. 1054 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Also: Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Also: Senate Bill No. 750—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to Committee on Corporations.

WILLIS, Chairman.

Senate Bills Nos. 748, 749, and 750 ordered referred to Committee on Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Also: Assembly Bill No. 61—An Act to provide four (4) additional judges of the Superior Court of the city and county of San Francisco, State of California, for the manner of their appointment, and for their compensation.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 200 and 61 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 589—An Act authorizing the payment of pensions by the State of California to certain fathers and mothers, being citizens of the United States and residents of the State of California.

Also: Senate Bill No. 751—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in the Justices' Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WILLIS, Chairman.

Senate Bills Nos. 589 and 751 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Senate Bill No. 1083—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Also: Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Also: Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Also: Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued.

Also: Senate Bill No. 1081—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bill No. 75 ordered on file for second reading.

Senate Bills Nos. 1083, 1195, 1196, 1197, and 1081 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article VI, relating to charging juries, and appeals in criminal cases—have had the same under consideration, and respectfully report the same back, without recommendation.

WILLIS, Chairman.

Senate Constitutional Amendment No. 45 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 200—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 203—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Also: Senate Bill No. 204—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bills Nos. 200, 203, 204, and 910 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bill No. 474 ordered referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to election for issuance of school bonds—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 1077 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 9—Relative to providing for initiative or the enactment of certain laws in the State Legislature by popular vote—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to Committee on Judiciary.

ESTUDILLO, Chairman.

Senate Constitutional Amendment No. 9 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 454—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their power, and providing for the use, at the option of the indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any

county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

ESTUDILLO, Chairman.

Senate Bill No. 454 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 454—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Senate Bill No. 454 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to senatorial legislative districts.

Also: Senate Constitutional Amendment No. 12—Relative to recall by electors of elective officials.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do not pass.

ESTUDILLO, Chairman.

Senate Constitutional Amendments Nos. 51 and 12 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed Constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do not pass.

ESTUDILLO, Chairman.

Senate Bill No. 1215 ordered on file for second reading.

Also: •

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 885 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the

State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Also: Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Also: Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Senate Bills Nos. 1198 and 1199 ordered on file for second reading.

Assembly Bill No. 951 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Also: Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 1170 ordered on file for second reading.

Assembly Bill No. 825 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 327—An Act to provide compensation for injuries to employees—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

REILY, Chairman.

Senate Bill No. 327 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Also: Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California, or of any political subdivision thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REILY, Chairman.

Senate Bills Nos. 844 and 913 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Joint Resolution No. 18—A joint resolution to provide for an examination into State insurance systems of the various nations and states—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Senate Joint Resolution No. 18 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high, in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

Also: Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Assembly Bill No. 445—An Act regulating the hours of employment in underground mines, and in smelting and reduction works.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REILY, Chairman.

Assembly Bills Nos. 191, 193, and 445 ordered on file for second reading.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cutten, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. W. F. Snyder of San Francisco.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your San Francisco Delegation, to whom was referred Senate Bill No. 493—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and for National Guard purposes, in the city and county of San Francisco, and to make appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

WELCH, Chairman.

Senate Bill No. 493 ordered referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 446 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and bay of San Pedro."

Also: Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering boards of supervisors to purchase, establish, and maintain ferries across such rivers or streams and to pay the expenses thereof.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WRIGHT, Chairman.

Assembly Bill No. 428 ordered on file for second reading.

Senate Bill No. 978 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms, for the sum of ninety-nine dollars and twenty-five cents (\$99.25) out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee for the Lincoln memorial exercises, which were held on Friday afternoon and evening, February 12, 1909, in the Assembly Chamber, itemized account of which is as follows:

William Durant, decorations and labor (one half).....	\$48 00
Navlet Brothers, plants and flowers (one half).....	16 25
Kohler & Chase, piano (one half).....	5 00
W. F. Jackson, moving Lincoln's picture (one half).....	5 00
Music (one half).....	25 00
Total	\$99 25

Also:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Catten, Estudillo, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Rush, Sanford, Savage, Stetson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

REPORTS OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following reports of special committee were received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Stetson—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, etc."—have had the same under consideration, and respectfully report the same back, and recommend that Senator Stetson be denied permission to introduce said bill.

LEAVITT, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Wright—In relation to validating deeds made to the State for property sold for non-payment of taxes, etc.—have had the same under consideration and respectfully report the same back, and recommend that Senator Wright be permitted to introduce the bill.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fortieth day of this session, without the consent of three fourths of the members

hereof, be complied with, and that Senator Wright be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Wright: Senate Bill No. 1236—An Act validating deeds made to the State for property sold for non-payment of taxes where the deed to the State was not made within the time referred to in any law of this State, but made subsequently thereto, and subsequently sold by the tax collector pursuant to authorization of the State Controller, and validating sales and deeds made pursuant thereto of property sold to the State for non-payment of taxes, and where the deeds to the State have not been made within the time referred to by any law of the State, and where the property has subsequently been sold by the tax collector pursuant to authorization issued by the State Controller, and where the said tax collector shall have failed or neglected to register the notice required to be mailed or given.

Bill read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Wright—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings—have had the same under consideration, and respectfully report the same back, with the recommendation that the Constitution be complied with, and that Senator Wright be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Wright be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

Also: Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Stetson—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, etc.—have had the same under consideration, and respectfully report the same back, with the recommendation that the Constitution be complied with, and Senator Stetson be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no Bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Stetson be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Stetson: Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Bill No. 1238.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced out of order:

By Senator Leavitt:

Resolved, That Senate Bill No. 1235 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1235 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF THE DAILY FILE—UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 655?"

After the word "name", in line 6, of Section 1, of the printed bill, insert the following: "or at any time thereafter, and before the filing of the said trademark or name by any other person, firm, or corporation."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 655 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Hare, Holohan, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wolfe—28.

NOES—None.

Senate Bill No. 655 ordered to enrollment.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Roseberry moved that the vote whereby Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—33.

NOES—None.

Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within

municipalities of the fourth, fifth, and sixth class not having a freeholders' charter.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

By striking out of Section 1, lines 3 and 4, the words "not having a freeholders' charter".

And:

By striking out of the title the words "not having a freeholders' charter".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 378, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. H. J. Zemansky, registrar of voters of San Francisco.

THIRD READING OF SENATE BILLS.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, McCartney, Miller, Reily, Sanford, Thompson, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—Senators Bates, Bills, Burnett, Cutten, Lewis, Martinelli, Price, Roseberry, Savage, Stetson, Strobridge, and Wright—12.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Boynton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 58 was this day passed.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced, out of order:
By Senator Wolfe:

Resolved, That on and after Monday, March 1, 1909, the Senate shall meet at eight o'clock P. M., for the transaction of business.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Wood, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Also:

By Senator Strobridge:

Resolved, That the sum of \$804.60 be paid out of the contingent fund to Senator W. F. Price, chairman of the Special Investigating Committee appointed to visit the following institutions and places calling for appropriations: Napa Hospital, Yountville Soldiers' Home, Feeble-Minded Home, San Francisco harbor, Los Angeles Normal School, Los Angeles Agricultural Park, Patton Hospital, Whittier Reform School, Pathological Institute, and San Pedro harbor, and the Controller is directed to draw his warrant for the same, and the Treasurer ordered to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF SENATE BILLS—(OUT OF ORDER).

Senator Birdsall asked for and was granted unanimous consent to have Senate Bill No. 732 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Cutton as a special committee of one to amend, as follows:

By striking out of Section 1, lines 7 and 10, the words "commission", and inserting in lieu thereof the following: "Commissioner".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 732, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Estudillo asked for and was granted unanimous consent to have Senate Bill No. 55 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits, or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Black as a special committee of one to amend, as follows:

By striking out of Section 3, line 6, the word "or", and insert in lieu thereof the letter "a".

Also:

Strike out of line 6, Section 12, page 5, the word or figures "19th", and insert in lieu thereof the following: "90th".

Also:

Insert after word "drunk", on line 31, Section 16, page 6, the word "on".

And:

Amend by striking out of Section 19, page 7, line 20, the first "had", and insert in lieu thereof the word "has".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 55, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended twenty-five minutes.

SENATOR WRIGHT IN THE CHAIR.

At twelve o'clock and twenty-six minutes P. M., Senator Wright, of the Fortieth District, in the chair.

RE-REFERENCE OF BILL TO COMMITTEE.

Senator Wolfe moved that when Senate Bill No. 55 be returned from reëngrossment it be re-referred to Committee on Judiciary.

The motion was duly seconded.

The question being upon the motion to re-refer.

The roll was called, and the motion to re-refer carried by the following vote:

AYES—Senators Anthony, Birdsall, Boynton, Burnett, Caminetti, Finn, Hare, Hartman, Holohan, Kennedy, Lewis, Martinelli, McCartney, Price, Reily, Sanford, Savage, Strolbridge, Welch, and Wolfe—20.

NOES—Senators Bates, Bell, Bills, Black, Campbell, Curtin, Cutton, Estudillo, Leavitt, Roseberry, Thompson, Walker, Weed, Willis, and Wright—15.

Senate Bill No. 55 ordered referred to Committee on Judiciary upon its return from reëngrossment.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At twelve o'clock and forty-five minutes p. m., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Martinelli asked for and was granted unanimous consent to have Committee Substitute for Senate Bill No. 600 taken up for consideration out of order for the purpose of amendment.

Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Price as a special committee of one to amend, as follows:

By striking out of Section 1, line 13, the comma after the word "thereof", and inserting in lieu thereof the following: "in quantities not exceeding 5,000 bags to any one consumer."

Motion lost.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford as a special committee of one to amend, as follows:

By striking out of Section 4, line 7, the word "and", after the word "date", and inserting in lieu thereof the word "of".

And:

By striking out of Section 1, line 6, the comma after the word "price".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 600, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 34 taken up for consideration, out of order, for the purpose of amendment.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Cutten as a special committee of one to amend, as follows:

By striking out Section 3, and inserting in lieu thereof the following:

"Sec. 3. No person shall be granted a license under this Act who has not attained the age of twenty-one years, and who has not had practical experience as an embalmer for at least fifteen months. Experience under a licensed embalmer shall be counted as practical experience under the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 34, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.
Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 25681¹/₂, also relating to the board of harbor commissioners of the port of Eureka.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodation thereof, and the levying of a special tax for such purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, state educational diplomas, and life diplomas," approved February 5, 1880.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

During second reading of bill, the following amendments were offered by Senator Black:

Amend as follows:

On page 1, line 1, of the printed bill, before the word "Section" insert the word "Section 1."

Amendment adopted.

And:

On page 1, line 3, of the printed bill, strike out the word "Section", at the beginning of the line.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by committee:

Strike out the parenthetical marks where they appear on lines 7, 8, 13, 15, 16, 18, and 20 of the printed bill.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 2 and 3, strike out the word "hotel."

Amendment adopted.

And:

On page 1, Section 1, line 3, after the word "place", insert the words "for the purpose of accommodating bathers."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 604—An Act to amend Section 1492 of the Political Code of the State of California, relating to the duties of the joint board of state normal school trustees.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Finn, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code so as to provide for suspended districts.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 228 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At two o'clock and nineteen minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 848—An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By amending Section 1, line 3, as follows: Insert after the word "possible", on said line 3, the following: "a census and personal enumeration of the Japanese population of California and also".

Also:

By amending Section 1, line 4, after the word "statistics", by inserting the following: "concerning class and acreage of lands and city and town lots, owned or leased by Japanese in this State, and the class of business and nature of labor in which they are engaging."

Also:

By amending Section 1, line 9, by striking out the words: "upon the order of the Governor such", and insert in lieu thereof the following: "The Governor shall cause such."

Also:

By amending Section 1, line 10, by striking out the word "shall", and inserting in lieu thereof the word "to."

Also:

To amend by adding to Section 1, line 10, the following: "The gathering and compilation of the census, statistics and information herein provided for shall be completed within six months after this Act takes effect".

Motion read.

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Burnett, Caminetti, Campbell, Curtin, Hare, Holohan, Kennedy, Miller, Roseberry, Sanford, Welch, and Wolfe—12.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Cullen, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Reilly, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—21.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cullen, Estudillo, Finn, Hare, Kennedy, Leavitt, Lewis, McCartney, Miller, Reilly, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senators Caminetti and Holohan—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196a and 3196b, relating to the protection of farm names.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 373 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 440—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 440 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Hare, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Reilly, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read.

During the reading of the title, the following amendment to the title was offered:

By Senator Thompson:

Amend as follows: Strike out all of lines 2 and 3 of the title, and inserting in lieu thereof the following: "to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies."

Amendment adopted.

Title read and approved as amended.

Bill ordered to print, and transmitted to the Assembly.

COMMUNICATION.

The following communication was presented:

By Senator Savage:

GOLDEN EAGLE HOTEL, SACRAMENTO, CAL., February 24, 1909.

HON. W. H. SAVAGE, *the Senate Chamber, Sacramento, Cal.*

DEAR SENATOR: I see that the Oakland Enquirer attributes to me the statement that an open buffet is being conducted in rooms adjoining the Senate and Assembly Chambers, and that because of this many of the legislators have been drunk.

In fairness to the members of the Legislature, the public, and myself, I wish to deny responsibility for all these statements. Yesterday morning a reporter called on me at the hotel and asked if I knew that such buffets were being maintained and run openly. I told him I had neither noticed, nor heard of them. He replied it was strange I had not, as they had been running for weeks. Then he suggested that the expense was too great to be borne by the Sergeant-at-Arms, and that the liquor lobby was probably providing the liquor. As I had no knowledge of the liquor being there, of course I could not know who took it there. But I did call his attention to that section of the Code which forbids the selling or giving away of liquor in the Capitol building, and said that if what he said was true it was an outrage and a disgrace.

I told him, and I wish now through you, Senator, to tell the Senate and the public, that I have not seen any general drinking in the Capitol building, and that in nearly two months here I have seen only one member of the Legislature under the influence of liquor, and that was down town at ten o'clock in the evening. I would like also now to repeat what I have said several times of late, that I firmly believe a majority of the members in both houses are honestly endeavoring to do the right as they see it.

Hoping that you and your colleagues will believe that I have too much sense and too much manhood to make any such wild statements as have been attributed to me, I am,

Respectfully yours,

D. M. GANDIER.

Communication read, and ordered printed in the Journal.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Percy V. Long of San Francisco.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan as a special committee of one to amend, as follows:

By striking out of Section 1, line 9, the word "fifteen", and inserting in lieu thereof the word "twelve".

- Also:
Strike out of Section 1, line 9, the last two words of said line, "and one".
- Also:
Strike out of Section 1 all of line 10 and all of line 11 down to the word "payable".
- Also:
Strike out of Section 1 all of line 16 after the words "per annum".
- Also:
Strike out of Section 1 all of lines 17, 18, and all of line 19, down to the word "payable".
- Also:
Strike out of Section 1, line 25, the word "fifteen", and insert in lieu thereof the word "thirty-six".
- Also:
Strike out of Section 1, line 25, the last word on said line, to wit: the word "and", and also all of lines 26 and 27.
- Also:
Strike out of Section 1, line 30, the word "twenty-two", and insert in lieu thereof the word "twenty-four"; also, in same line strike out the words "and fifty".
- Also:
Strike out lines 33, 34, 35, and 36, and semicolon after word "supervisors", at end of line 32, and insert period at end of said line 32.
- Also:
In Section 1, line 37, insert the words "two hundred" after the word "thousand".
- Also:
In Section 1, line 38, strike out the words "three thousand", and insert in lieu thereof the following: "twenty-four hundred".
- Also:
In Section 1, line 41, strike out the word "fifteen", and insert in lieu thereof the word "twelve".
- Also:
By striking out of Section 1, line 41, all the line after the word "annum", and all of line 42, and all of line 43 down to the word "payable".
- Also:
In Section 1, line 57, after the word "actual", insert the word "necessary", and after the word "traveling" strike out the words "and other necessary".
- Also:
In Section 1, line 66, strike out the word "five", and insert in lieu thereof the word "six".
- Also:
In Section 1, line 67, strike out the word "sixty-five", and insert in lieu thereof the word "seventy-five".
- Also:
In Section 1, line 82, strike out the word "five", and insert in lieu thereof the word "six".
- Also:
By striking out of Section 1, line 84, the word "five", and inserting in lieu thereof the word "six".
- Also:
In Section 1, line 68, strike out the word "five", after the word "than", and insert in lieu thereof the word "six".
- And:
In Section 1, line 31, strike out the word "ten", and insert in lieu thereof the word "five".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1904.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 728, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Committee.

Report of special committee of one, and amendments, adopted.

Also:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Boynton as a special committee of one to amend, as follows:

By striking out all of Section 2, on page 4.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 728, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Stephen V. Costello of San Francisco.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to salaries and fees of officers of counties of the fifty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 647 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Estudillo, Holohan, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the County Treasurer of the county of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 710 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Bills asked for and was granted unanimous consent to withdraw Senate Bill No. 654—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.

Senate Bill No. 654 withdrawn and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 592—An Act to amend an Act entitled "An Act relating to commitments to the State School of Whittier, and to the

Preston School of Industry; fixing the authority to examine and commit to such schools with the superior judges of the counties and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parties to the counties from which their children are committed." approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 592 finally passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1109—An Act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1109 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Estudillo, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wright—25.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262—An Act to add a new section to the Political Code, to be numbered Section 4052*b*, relating to the disposition of property of the counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 262 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Estudillo, Hare, Holohan, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the

United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

On motion of Senator Boynton, Assembly Bill No. 377 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Bills asked for and was granted unanimous consent to withdraw Senate Bill No. 976—An Act to prohibit within certain limits the moorings and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

Senate Bill No. 976 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 905 taken up for consideration, out of order, for the purpose of amendment.

Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Wolfe as a special committee of one to amend, as follows:

By striking out of Section 1, line 55, the word "thirty-five", and inserting in lieu thereof the following: "thirty."

Also:

Strike out of Section 1, page 4, line 96, the words "the certificate of".

Also:

In Section 1, page 5, line 127, strike out the word "thirty-five", and insert in lieu thereof the word "thirty".

Also:

On page 15, Section 10, line 40, strike out the "." and the lower case letter "u", in the word "unless" following, and insert in lieu thereof a "." and a capital "U".

Also:

On page 18, Section 11, line 49, strike out the word "assembly", and insert in lieu the word "assemble".

Also:

On page 18, Section 11, line 61, insert before the word "nominated" the word "are".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 905, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Stetson moved that the vote whereby Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9, of the Constitution, relative to the compensation of officers and the extension of the term of officers—was refused adoption, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Stetson moved that the consideration of Assembly Constitutional Amendment No. 13 be made a special order for Monday, March 1, 1909, immediately after the reading of the Journal.

Motion carried.

SECOND READING OF SENATE BILLS.

On motion of Senator Wolfe, the second-reading file of Senate bills was taken up.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 500—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for the sixtieth fiscal year.

Senate Bill No. 500 withdrawn and ordered stricken from the file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "Reclamation", and insert in lieu thereof the words: "The formation and organization of reclamation".

Amendment adopted.

And:

On page 1, Section 1, line 3, strike out the words "as formed and organized".

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation districts numbered seven hundred and eighty-five, in the county of Yolo, State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "Reclamation" and insert in lieu thereof the words: "The formation and organization of reclamation".

Amendment adopted.

And:

On page 1, Section 1, lines 2 and 3, strike out the words "as formed and organized".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out all of the said title after the word "sixty-five", and insert in lieu thereof the following: "of the Civil Code of the State of California, relating to homesteads and exemptions".

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out the words "said Act", and insert in lieu thereof the words: "the Civil Code of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "Tenure by which homestead is held."

Amendment adopted.

Also:

On page 1, Section 1, line 14, strike out the words "or the products, rents, issues, or profits thereof".

Amendment adopted.

And:

On page 2 strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out all of the said title after the word "eighty-nine", and insert in lieu thereof the following: "of the Civil Code of the State of California, relating to termination of estates."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out the words "said Act", and insert in lieu thereof the words: "the Civil Code of the State of California."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the following words: "Tenaucy at will may be terminated by notice."

Amendment adopted.

And:

Page 1, strike out all of Section 2.

Amendment adopted.

Bill read third time, and ordered to print, engrossment, and third reading.

Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

During second reading of bill, the following amendment was submitted by committee.

On page 3, Section 8, strike out all of lines 11 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 9. The rates of pilotage at the port of Wilmington and bay of San Pedro shall be for vessels under five hundred tons per foot draught, three dollars; vessels over five hundred tons, three cents per ton for each and every ton registered measurement and per foot draught three dollars.

"The rates above given are compulsory, and must be paid by every vessel spoken, inward or outward-bound, except vessels under enrollment and licensed, and engaged in the coasting trade between the port of Wilmington and bay of San Pedro, and other United States ports and vessels engaged in the whaling or fishing trades, which shall be exempt from all pilotage, unless a pilot is actually employed. In all cases where inward-bound vessels are not spoken, until inside the bar, the rates of pilotage above shall be reduced fifty per cent.

"A vessel is spoken by day by a pilot displaying a union jack, and by night displaying a torch or flare-up, within a distance of three miles of the vessel."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 777—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation hereof.

On motion of Senator Kennedy, Senate Bill No. 777 was ordered re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, lines 2 and 3, strike out the words after "act," as follows: "the sum of fifteen thousand dollars (\$15,000).", and insert in lieu thereof the following: "for the sixty-first and sixty-second fiscal years, the sum of fifteen thousand dollars (\$15,000)., and the said appropriation shall thereafter be carried in the general appropriation bill for each succeeding biennial period."

Amendment adopted.

And:

On page 2, Section 2, line 3, after the figures (15,000) strike out the period, and insert the following: "; and the State Controller is hereby authorized and directed to draw his warrant for the same, and the Treasurer of the State is hereby directed to pay such warrant."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations.

On motion of Senator McCartney, Senate Bill No. 245 was temporarily passed on file, to retain its place.

Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 58, strike out the word "and", and insert in lieu thereof a comma.

Amendment adopted.

Also:

On page 2, line 59, after the word "pipes" insert the words "outlets, natural or otherwise."

Amendment adopted.

And:

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trade, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend page 2, Section 5, line 11, by striking out the period after the word "buildings", and inserting in lieu thereof a comma, and add the following: "and provided further, that if such site shall be purchased, no greater sum shall be expended in the purchase thereof than the sum of one hundred thousand dollars."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom, and making an appropriation therefor.

During second reading of bill, the following substitutes were submitted by committee:

COMMITTEE SUBSTITUTE "A" FOR SENATE BILL NO. 772.

An Act providing for the construction of additional houses for the use of officers, guards and employees at the State Prison at Folsom, and to make an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty-five hundred dollars, (\$3,500.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be paid to the State Board of Prison Directors for the purpose of constructing additional houses for the use of the officers, guards and employees at the State Prison at Folsom.

SEC. 2. The provisions of an Act entitled, "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 3. The provisions of an Act entitled, "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 4. The State Controller is hereby directed to draw his warrant payable to the State Board of Prison Directors in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Substitute read and adopted.

Also:

COMMITTEE SUBSTITUTE "B" FOR SENATE BILL NO. 772.

An Act providing for the repairing of the buildings at the State Prison at Folsom, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifteen hundred dollars (\$1,500.00) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be paid to the State Board of Prison Directors for the repairing of buildings at the State Prison at Folsom.

SEC. 2. The State Controller is hereby directed to draw his warrant payable to the State Board of Prison Directors in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 774.

An Act providing for the construction and furnishing of a residence at the State Prison at Folsom for the warden, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars (\$12,000.00) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be paid to the State Board of Prison Directors for the purpose of constructing and furnishing of a residence at the State Prison at Folsom for the warden.

SEC. 2. The provisions of an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 3. The provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 4. The State Controller is hereby directed to draw his warrant payable to the State Board of Prison Directors in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin, and making an appropriation therefor.

During second reading of bill, the following substitutes were submitted by committee:

COMMITTEE SUBSTITUTE "A" FOR SENATE BILL NO. 882.

An Act providing for the repairing of the buildings at the State Prison at San Quentin, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, to be paid to the State Board of Prison Directors for the repairing of buildings at the State Prison at San Quentin.

SEC. 2. The State Controller is hereby directed to draw his warrant payable to the State Board of Prison Directors in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Substitute read and adopted.

COMMITTEE SUBSTITUTE "B" FOR SENATE BILL NO. 882.

An Act providing for construction of cottages for the use of guards and employees at the State Prison at San Quentin, and to make an appropriation therefor.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be paid to the State Board of Prison Directors for the construction of cottages for the use of guards and employees at the State Prison at San Quentin.

SEC. 2. The provisions of an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 3. The provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereto, shall not be applicable to this Act.

SEC. 4. The State Controller is hereby directed to draw his warrant payable to the State Board of Prison Directors in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 2, line 2, by striking out the word "last", and inserting in lieu thereof the word "previous".

Amendment adopted.

Also:

Amend page 2, Section 3, line 9, by striking out the period after the word "therein", and inserting in lieu thereof a semicolon, and add the following: "and no claim for such bounty shall be valid as against the State unless the said scalp shall have been presented to the county clerk of such county within twenty days after such coyote was killed."

Amendment adopted.

Also:

Amend page 2, Section 5, line 2, by striking out the words "three months", and inserting in lieu thereof the words "twenty days".

Amendment adopted.

And:

Add a new section as follows:

"SEC. 6. All claims against the State for bounty under the provisions of this Act shall be paid respectively to the counties issuing the certificates mentioned in this Act, and when so paid the county shall pay each claimant the amount due for such bounty."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered —, relating to the making of false statements in writing by any person

respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the printed bill by adding after the word "numbered", on line 2 thereof, the following: "564a."

Amendment adopted.

Also:

On page 1, line 2, after the word "numbered", insert the following: "564a."

Amendment adopted.

Also:

On page 1, line 4, strike out the quotation marks before the word "Any".

Amendment adopted.

Also:

On page 1, line 6, strike out the quotation marks and the brackets around the figure "1".

Amendment adopted.

Also:

On page 2, line 16, strike out the quotation marks and brackets around the figure "2".

Amendment adopted.

Also:

On page 2, line 30, strike out the quotation marks and brackets around the figure "3".

Amendment adopted.

Also:

On page 2, line 40, strike out the quotation marks and brackets around the figure "4".

Amendment adopted.

Also:

On page 3, line 54, strike out the bracket before the word "felony", also the words "felony or", and also strike out bracket after the word "misdemeanor", and insert a period, and strike out all the balance of the section.

Amendment adopted.

And:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, of the printed bill, after the word "county" strike out the words "having over thirty thousand inhabitants".

Amendment adopted.

Also:

On page 1, Section 1, line 4, of the printed bill, after the word "or" strike out the word "counties", and insert the word "county".

Amendment adopted.

Also:

On page 1, Section 1, lines 9 and 10, of the printed bill, after the word "class", in line 9, strike out the words "or of any", and in line 10 strike out the words "city and county".

Amendment adopted.

Also:

On page 1, Section 1, line 11, of the printed bill, after the word "class", at the end of the line, strike out the "comma (,)", and insert in lieu thereof a "period (.)".

Amendment adopted.

And:

On page 1, Section 1, line 12, of the printed bill, strike out the words "or said city and county".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 458—An Act to provide for the levy and collection of tax on income.

Senate Bill No. 458 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 3, Section 1, line 48, strike out the word "and".

Amendment adopted.

Also:

On page 3, Section 1, strike out all of line 49.

Amendment adopted.

Also:

On page 3, Section 1, line 50, strike out the words "him by a recognized veterinary college".

Amendment adopted.

And:

On page 4, Section 2, line 1, strike out the word "immediately", and insert in lieu thereof the following: "and be in force from and after its passage."

Amendment adopted.

Also:

Offered by Senator Finn:

Amend by striking out of Section 1, line 1, page 1, the words "section one, three, and eight", and inserting in lieu thereof the following: "Section one".

Amendment adopted.

Also:

Amend by striking out of Section 1, page 2, lines 19, 20, and 21, the words "who shall have graduated from some college authorized by law to teach veterinary medicine and surgery".

Amendment adopted.

Also:

Amend by inserting between lines 41 and 42, Section 1, page 2, the following: "Sec. 2. Section 3 of said Act is hereby amended to read as follows:"

Amendment adopted.

Also:

Amend by striking out of Section 2, line 1, page 4, the words: "Section 2", and inserting in lieu thereof the following: "Section 4".

Amendment adopted.

And:

Amend by inserting between lines 76 and 77, on page 3, the following: "Section 3. Section 8 of said Act is hereby amended to read as follows:".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

On motion of Senator Thompson, Senate Bill No. 515 was temporarily passed on file, to retain its place.

Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32).

On motion of Senator Thompson, Senate Bill No. 776 was temporarily passed on file, to retain its place.

Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26.

An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, or other systems or modes of treating the sick and afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations." (Approved March 14, 1907.)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 16 of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, is amended to read as follows:

Section 16. Any person who holds a certificate from the Board of Medical Examiners created by "An Act for the regulation of the practice of medicine and surgery, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of such regulation," which took effect August first, nineteen hundred and one, or from one of the boards of examiners heretofore existing, under the provisions of "An Act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six, or an Act supplemental and amendatory to said Act, which became a law April first, eighteen hundred and seventy-eight, shall be entitled to practice medicine and surgery in this State, the same as if it had been issued under this Act; any person who holds a certificate from the Board of Osteopathic Examiners of the State of California, under the provisions of "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions, without the Governor's approval, March ninth, nineteen hundred and one, shall be entitled to practice osteopathy in this State, the same as if it had been issued under this Act. Any person who holds an unrevoked certificate issued by the Board of Examiners of the Association of Naturopaths of California, incorporated under the laws

of the State of California, August eighth, 1904, and who shall be practicing naturopathy prior to the passage of this Act, shall be entitled to practice naturopathy in this State, the same as if it had been issued under this Act. The Board of Medical Examiners shall endorse said certificate at their first meeting after this Act becomes a law, or at any subsequent meeting of the board, but not later than six months after the passage of this Act by signature of its president and secretary and affixing its official seal. *Provided, however,* that the holder of such certificate has signed his or her name on the back of said certificate and the president and secretary of the Association of Naturopaths of California have certified over their respective signatures that the holder of said certificate is the rightful owner of the same. But all certificates herein mentioned may be revoked for any unprofessional conduct, in the same manner and upon the same grounds as if they had been issued under this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

During second reading of bill, the following amendments were submitted by committee:

Amending the title on page 1, lines 2, 3, and 4 by striking out the words "15 of an Act entitled 'An Act to regulate and govern the State prisons of California,' approved March 19, 1889, relating to moneys received by the warden thereof," and in lieu thereof insert the words: "1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof."

Amendment adopted.

And:

Amend by striking out all after the enacting clause, and insert the following:

SECTION 1. Section 1584 of the Penal Code of the State of California, relating to the moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof, is hereby amended to read as follows:

1584. All moneys received or collected by the warden of San Quentin Prison shall be reported to the State Controller on the first day of each and every month in such form as the Controller may require, and at the same time shall be paid into the general fund of the State treasury on the order of the Controller, except so much thereof as shall be necessary to be paid into the jute revolving fund as required by the provisions of an Act of the Legislature approved March ninth, one thousand eight hundred and eighty-five, and amended March sixteenth, one thousand eight hundred and eighty-nine, and of any other Act amendatory thereof or supplementary thereto, and also except so much thereof as shall be received by the warden of said San Quentin Prison from the officers and employees thereof in payment for supplies purchased and for commissaries furnished to them by the said San Quentin Prison which shall be paid by the warden of said San Quentin Prison into the State treasury to the credit of the appropriation for the support of said San Quentin Prison. All moneys received or collected by the warden of Folsom Prison shall be reported to the State Controller on the first day of each and every month in such form as the Controller may require and at the same time shall be paid into the State treasury to the credit of the Folsom state prison fund, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this title. The wardens shall require vouchers for all moneys by them expended and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the Controller of State, signed by at least three of the directors, and the Controller of State shall draw his warrant on the State Treasurer who shall pay the same out of any moneys belonging to the state prison fund or appropriated for the use or support of the State prisons. The amount of all money retained by the wardens and the aggregate amount paid out shall be reported quarterly to the Controller of State and the proper entries shall be made on the Controller's books.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 3, line 8, immediately before the word "enter" strike out the word "to", and insert in lieu thereof the following: "shall".

Amendment adopted.

Also:

On page 3, Section 4, line 17, strike out the word "persons", and insert in lieu thereof the following: "prisons".

Amendment adopted.

Also:

On page 3, Section 4, line 25, strike out the words "was he", and insert in lieu thereof the following: "he was".

Amendment adopted.

And:

On page 3, Section 4, line 28, strike out the word "each", and insert in lieu thereof the following: "such".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to State school land.

During second reading of bill, the following amendments were submitted by committee:

After the word "purchase", in line 12, of the title of the Act, page 1, insert a comma.

Amendment adopted.

Also:

Strike out the letter "c", after the figures "3408", in line 16, of the title, on page 1, and insert in lieu thereof the letter "e".

Amendment adopted.

Also:

Strike out the word "script", in line 21 of the title, page 1, and insert in lieu thereof the word "scrip".

Amendment adopted.

Also:

Strike out commencing with the word "giving", in line 23 of the title, page 1, and ending with the word "selected", in line 28, page 2 of the title.

Amendment adopted.

Also:

Strike out the period after the word "state", in line 11, of Section 1, of page 2, and insert a semicolon in lieu thereof, and immediately after such semicolon insert the following: "but no such selection or reselection or designation shall hereafter in any manner be made, except upon the surrender to the Surveyor General, as in this article provided, of a certificate of indemnity or scrip."

Amendment adopted.

Also:

Strike out the word "script", in line 9, of Section 2, on page 2, and insert in lieu thereof the word "scrip".

Amendment adopted.

Also:

After the word "article", in line 7, of Section 3, of page 3, insert the following: "and by law, but said base shall only be available when sold and indemnity certificates or scrip issued therefor".

Amendment adopted.

Also:

Strike out commencing with the word "provided", in line 17, of Section 3, of page 3, and ending with the word "and" following the word "any", in line 22, of Section 3, of page 3, and change the letter "a" in the word "all", in said line, to a capital letter.

Amendment adopted.

Also:

Strike out all of lines 3, 4, 5, and 6, of Section 4, on page 3, and insert in lieu thereof the following:

"3407. When the Register of the State Land Office shall receive from the Register of the United States Land Office a notice to the effect that any indemnity school land selection has been filed and accepted subject to future approval, the said Register of the State Land Office shall approve the application in accordance with the said acceptance and issue a certificate of purchase showing full payment for the land sought by the applicant and as so approved."

Amendment adopted.

Also:

Strike out the word "script", in line 4, and also the same word in line 6, of Section 7, on page 4, and insert in lieu thereof in each instance the word "scrip".

Amendment adopted.

Also:

After the word "in", in line 10, of Section 7, page 4, insert the words "or to."

Amendment adopted.

Also:

Strike out the word "script", in line 18, and also the same word in line 22, Section 7, page 4, and insert in lieu thereof in each instance the word "scrip".

Amendment adopted.

Also:

After the word "Indian", in line 28, of Section 7, page 4, insert a comma.

Amendment adopted.

Also:

Strike out the words "selections or selection", in line 55, of Section 7, page 5, and insert in lieu thereof the words "selection or selections."

Amendment adopted.

Also:

Strike out the letter "s", on the end of the word "consists", in line 11, Section 8, page 6.

Amendment adopted.

Also:

Strike out the word "script", in line 7, also the same word in line 9, also the same word in line 19, of Section 9, page 7, and in lieu thereof insert in each instance the word "scrip".

Amendment adopted.

Also:

Strike out the words "April, July and October," in line 21, of Section 9, page 7, and insert in lieu thereof the words "March, May, July, September, and November."

Amendment adopted.

Also:

Strike out the word "April", in line 25, of Section 9, page 7, and in lieu thereof insert the word "May".

Amendment adopted.

Also:

After the word "person", in line 26, of Section 9, page 7, insert the following: "unless such person so bidding on behalf of another shall file with the Surveyor General a written authorization so to do, and shall also file an affidavit by such person intending to purchase, showing that the said last named person is qualified to purchase State lands."

Amendment adopted.

Also:

Strike out the word "script", in line 29, and also the same word in line 30, of Section 9, page 7, and insert in lieu thereof in each instance the word "scrip".

Amendment adopted.

Also:

Strike out the word "script", in line 34, of Section 9, page 8, and insert in lieu thereof the word "scrip".

Amendment adopted.

Also:

Strike out commencing with the word "The", in line 35, of Section 9, page 8, to and including the word "law", in line 75, of Section 9, page 9.

Amendment adopted.

Also:

Strike out the word "script", in line 76, also the same word in line 78, and also the same word in line 107, of Section 9, page 9, and insert in lieu thereof in each instance the word "scrip".

Amendment adopted.

Also:

After the word "thereof", in line 85, of Section 9, page 9, insert the following: "(provided he be the original purchaser of such certificate of indemnity or scrip) shall be".

Amendment adopted.

Also:

After the word "acquire", in line 97, of Section 9, page 9, strike out the period, and insert a comma and following "and if any such certificates of indemnity or scrip shall represent more than three hundred and twenty acres, the said owner thereof shall be entitled to restitution for the said excess to the amount paid therefor."

Amendment adopted.

Also:

After the word "lands", in line 99, of Section 9, of page 9, strike out the period, and insert the following: "or receive restitution to the amount paid for such certificate or certificates of indemnity or scrip".

Amendment adopted.

Also:

Strike out commencing with the word "no", in line 105, of Section 9, page 9, to and including the word "purchase", in line 106, of the same section and page.

Amendment adopted.

Also:

After the word "sought", on page 10, Section 9, line 109, insert the words "to be purchased".

Amendment adopted.

Also:

After the word "interest", in line 112, of Section 9, page 10, insert "or legal representative".

Amendment adopted.

Also:

Strike out the words "upon showing to the satisfaction of the Surveyor General that such original owner was qualified to purchase State lands", in lines 114, 115, and 116 of Section 9, page 10.

Amendment adopted.

Also:

Strike out the word "script", in line 117, also the same word in line 126, and also the same word in line 134, of Section 9, page 10, and in lieu thereof in each instance insert the word "scrip".

Amendment adopted.

Also:

After the word "void", in line 121, Section 9, page 10, insert "and he shall be entitled to restitution therefor."

Amendment adopted.

Also:

After the word "the", in line 125, of Section 9, page 10, insert "base or".

Amendment adopted.

Also:

After the word "is", in line 126, of Section 9, page 10, insert "or are".

Amendment adopted.

Also:

After the word "therefore", in line 129, of Section 9, page 10, insert the following: "but before any base mentioned in any certificate of indemnity or scrip is treated as invalid by the Surveyor General he shall notify the owner thereof by registered letter addressed to such owner, at his address as designated on his application, of any adverse action on the part of the United States Land Department, and such owner shall have a right to remedy such defect, if possible, within a reasonable time, so that the same may be acceptable to the United States Land Department."

"If any certificate of indemnity or scrip has been lost or destroyed, the owner thereof may, upon filing an affidavit with the Register of the State Land Office showing the facts constituting such loss or destruction, have issued to him a duplicate thereof, across the face of which shall be marked in red ink the word 'duplicate', and which shall have the same force and effect as the original."

"No person shall be considered as having made an entry of State lands under the provision of this article until the lands have been listed to the State."

"Whenever in accordance with the provisions of this article any person shall have the right to recover from the State of California any sum of money paid by him for a certificate of indemnity or scrip, he shall surrender the same to the Surveyor General, who shall thereupon cancel the same and issue to him a certificate showing the amount paid, and the class of land upon which the payment was made, and upon the surrender of such certificate to the Controller of State he must draw his warrant in favor of the person surrendering the same for the amount therein specified, upon the Treasurer of State, who must pay the same out of the fund into which the purchase money was paid."

Amendment adopted.

Also:

Strike out commencing with the word "or", first occurring in line 13, of Section 10, page 11, to and including the word "thereat", in line 16, of the same section and page.

Amendment adopted.

And:

Strike out commencing with the word "or", in line 20, of Section 10, page 11, to and including the word "person", at the end of line 21, and the commencement of line 22, of the same section and page.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 29, strike out the period, and insert in lieu thereof a comma and the following words: "the cost of which shall be paid by the county."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by striking out the comma after the word "Procedure", in the second line thereof, and insert the following words: "of the State of California,".

Amendment adopted.

Also:

On page 1, line 1, after the word "ninety-two", add the following words: "of the Code of Civil Procedure of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the following words: "Notice of sale under execution, how given."

Amendment adopted.

And:

On page 2, strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

During second reading of bill, the following amendments were submitted by committee:

Page 1, Section 1, line 4, strike out the quotation marks and the word "Section".

Amendment adopted.

Also:

Page 1, line 10, after the word "Imprisonment", strike out quotation marks.

Amendment adopted.

And:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violations of such prohibition.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 4, strike out the quotation marks before the figures and letter "587a".

Amendment adopted.

Also:

On page 1, line 13, after the word "misdemeanor", strike out the comma, and insert in lieu thereof a period, and strike out all the rest of the section.

Amendment adopted.

And:

Strike out Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1220—An Act relating to prosecutions under Sections 628b, 632, and 632½ of the Penal Code, and to define prima facie evidence thereunder.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill to read as follows: "An Act to amend the Penal Code of California by adding a new section thereto, to be numbered Section 636b, defining what shall constitute prima facie evidence thereunder."

Amendment adopted.

Also:

On page 1, after the enacting clause, add the following:

"Section 1. A new section is hereby added to the Penal Code of California, to be numbered Section 636b, to read as follows:"

Amendment adopted.

And:

On page 1, line 1, strike out the word and figure "Section 1", and add in lieu thereof the figures and letter "636b."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, strike out the entire section, and insert in lieu thereof the following: "Section 2. Any person or corporation violating any of the provisions of this Act, shall be guilty of a misdemeanor."

Amendment adopted.

And:

On page 1, Section 1, line 13, after the word "existing", insert the following: "between the employer and employee."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 825—An Act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of the justices of peace in cities and counties.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, after the word "annum" insert a semicolon, and strike out the following words thereafter: "payable three hundred dollars each calendar month; *provided* that no justice of the peace shall receive a salary for his services for any calendar month if during each month he shall have failed to decide and cause to be entered a judgment in any case within fifteen days after all the evidence upon both sides shall have been introduced; and".

Amendment adopted.

Also:

On page 1, line 14, strike out the word "further".

Amendment adopted.

Also:

On page 1, lines 17 and 18, strike out the words "during the last calendar month".

Amendment adopted.

And:

On page 1, lines 19 and 20, strike out the words "within fifteen days after the evidence upon both sides had been introduced", and insert in lieu thereof the following: "and which was submitted for decision more than fifteen days prior to the filing of such affidavit."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

On motion of Senator Wright, Senate Bill No. 295, was temporarily passed on file, to retain its place.

Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 16, after the word "state" strike out the period, and insert in lieu thereof a semicolon and the following words: "*provided, however, that the cost of publication does not exceed three dollars*".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 943—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 980—An Act to amend Sections 653c, 653d, and 653l, of the Civil Code of the State of California, all relative to coöperative business associations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 10 and 11, strike out the following words: "or perform work for more than six (6) days in a calendar week".

Amendment adopted.

Also:

On page 2, Section 2, lines 8 and 9, strike out the following: "or shall perform work for more than six (6) days in a calendar week".

Amendment adopted.

Also:

On page 2, Section 3, line 3, after the word "misdemeanor" strike out the comma and insert in lieu thereof a period, and strike out the balance of the section.

Amendment adopted.

And:

Strike out Section 4.

Amendment adopted.

Bill read second time, and ordered to print. engrossment, and third reading.

Senate Bill No. 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "two", and insert in lieu thereof the following: "three".

Motion lost.

And:

On page 1, Section 2, line 5, strike out the word "eight", and insert in lieu thereof the following: "three".

Motion lost.

Bill read second time, and ordered to engrossment, and third reading.

Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for the issuance of school bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code relative to the contents of notices of election for issuance of school bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1194—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

During second reading of bill, the following Substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 813.

An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," (approved March 22, 1905,) by amending section five thereof, by amending subdivisions one and three of said section five, and by adding a new subdivision to said section five thereof, to be numbered subdivision six, and by adding a new section thereto to be numbered Section 8a.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, is hereby amended to read as follows:

Section 5. Subdivision 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the Secretary of State, on a blank to be supplied by such Secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and that said applicant is familiar with the mechanism of motor vehicles or the specified type of motor vehicle which said applicant desires to operate and that the applicant is over the age of twenty-one years and has served an apprenticeship of at least three months with a competent chauffeur, or that said applicant has operated a motor vehicle for a period of at least three months, and which statement must be verified by the oath of the applicant that the matters therein stated are true to the best of his knowledge and belief; said application shall be accompanied by a registration fee of two dollars.

Subdivision 2. The Secretary of State shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Subdivision 3. The Secretary of State shall forthwith, upon such registration and without other fee, insure and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered chauffeur, No. ———, State of California," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways; no license shall be issued to any person under the age of twenty-one years.

Subdivision 4. No chauffeur, having registered as herein provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Subdivision 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this Act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Subdivision 6. Any chauffeur duly registered under the provisions of this Act, who having lost his badge shall upon filing with the Secretary of State proof of such loss, shall upon payment of an additional fee of fifty cents be entitled to have a duplicate issued to him.

SEC. 2. A new section is hereby added to said Act, to be numbered Section 8a, and to read as follows:

Section 8a. For the purpose of carrying out the provisions of this Act, and the Acts of which this Act is amendatory, the Secretary of State may appoint a superintendent and cashier of the motor vehicle department, in the office of the Secretary of State, and one other clerk.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protecting, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such

boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, lines 3 and 4, of the printed bill, strike out the words: "consisting of five persons, from each supervisorsial district".

Amendment adopted.

Also:

On page 2, Section 6, line 3, strike out the words: "be the police officer of said board".

Amendment adopted.

Also:

On page 3, Section 8, line 2, strike out the word "city", and insert in lieu thereof the word "county".

Amendment adopted.

Also:

On page 3, Section 9, line 2, after word "misdemeanor" insert a period and strike out all of lines 3, 4, 5, and 6.

Amendment adopted.

And:

On page 4, Section 11, line 1, strike out word "county", and make letter "b" in word boards a capital letter.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 25, of the printed bill, strike out the word "our", and insert in lieu thereof the word "out".

Amendment adopted.

Also:

On page 2, line 38, of the printed bill, strike out the words "eighteen hundred and ninety-seven", and insert in lieu the words "nineteen hundred seven".

Amendment adopted.

And:

On page 3, line 69, of the printed bill, after the word "or" insert the following: "process issued by any court of the State; *provided further, that*".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1169—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, of the printed bill, strike out the word "section", also the words "salaries and fees of officers of".

Amendment adopted.

Also:

On page 1, line 7, of the printed bill, strike out the comma following the word "thousand".

Amendment adopted.

Also:

On page 2, line 44, of the printed bill, strike out the character and figures "\$2,000.00", and insert in lieu thereof the following: "two thousand dollars".

Amendment adopted.

Also:

On page 2, line 49, of the printed bill, strike out the character and figures "\$75.00" and insert in lieu thereof the following: "seventy-five dollars".

Amendment adopted.

Also:

On page 2, line 52, of the printed bill, strike out the character and figures "\$1200.00", and insert in lieu thereof the following: "twelve hundred dollars".

Amendment adopted.

Also:

On page 4, line 111, of the printed bill, strike out the word "in".

Amendment adopted.

And:

On page 5, line 134, of the printed bill, strike out the words "determination of population".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 7, strike out the word "subdivision", and insert the word "subdivisions".

Amendment adopted.

Also:

On page 1, line 18, after the word "inspectors" insert a comma and the word "clerks".

Amendment adopted.

Also:

On page 2, line 21, strike out the word "be".

Amendment adopted.

Also:

On page 2, line 30, after the word "dollars" strike out the comma.

Amendment adopted.

Also:

On page 2, line 50, strike out the comma after the word "responsible."

Amendment adopted.

Also:

On page 2, lines 50 and 51, enclose the words "under his official bond, to construct said bridge or structure," in parentheses.

Amendment adopted.

Also:

On page 3, line 75, after the word "donation" strike out the word "or."

Amendment adopted.

Also:

On page 3, line 75, after the word "lease" strike out the word "any", and insert a comma and the words "or otherwise acquire."

Amendment adopted.

Also:

On page 3, line 77, after the word "county", strike out the comma and insert a semi-colon and the following: "to purchase, receive by donation, or otherwise, acquire real property for public pleasure grounds, or public parks, and to improve, preserve, take care of, manage and control the same."

Amendment adopted.

Also:

On page 3, line 77, strike out the word "and", and after the word "purchase", insert a comma and the words "receive by donation, lease", and in same line strike out the word "necessary".

Amendment adopted.

Also:

On page 3, line 78, strike out the word "estate", and insert in lieu thereof the word "property".

Amendment adopted.

Also:

On page 3, line 79, after the word "roads", strike out the comma.

Amendment adopted.

Also:

On page 3, line 95, after the word "hospital", insert the words "historical museum, art gallery".

Amendment adopted.

Also:

On page 4, line 110, after the word "county", strike out the comma and insert the following: "or by posting in five public places in the county".

Amendment adopted.

Also:

On page 5, line 133, after the word "district", strike out the comma.

Amendment adopted.

Also:

On page 5, line 147, strike out the words "subdivision thirteen of section twenty-five of this act", and insert in lieu thereof the following: "section four thousand and eighty-eight of this Code".

Amendment adopted.

Also :

On page 5, line 149, strike out the word "act", and insert in lieu thereof the word "title".

Amendment adopted.

Also :

On page 6, line 173, after the word "election", insert the following :

"19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

19b. To employ a purchasing agent whose duties shall be to purchase for the county and the offices thereof, all stationery, clothing, bedding, groceries, provisions, drugs, medicines and all other supplies, the same to be purchased only upon a proper requisition therefor. Also to employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duties."

Amendment adopted.

Also :

On page 6, line 187, change the word "honorable" to "honorably".

Amendment adopted.

Also :

On page 7, line 218, after the word "To", strike out the word "the", and after the word "for", and before the word "burying", in same line, insert the word "the".

Amendment adopted.

Also :

On page 7, line 241, after the suffix "ing", strike out the comma.

Amendment adopted.

Also :

On page 8, line 268, change the word "district" to "districts".

Amendment adopted.

Also :

On page 8, line 274, after the word "district", insert a comma and the following :
"to be expended in the maintenance of the public roads in such district.

To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases, and to eradicate them, if introduced, and for the purpose of general sanitation."

Amendment adopted.

Also :

On page 9, line 288, change the word "collections" to "collection".

Amendment adopted.

And :

On page 9, between the lines 288 and 289 insert the following :

"To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the State for protection against fire in such county, for the purpose of protecting forest, brush, and grass lands therein, against fire or other injury, and of aiding the State and Federal authorities in forestry work."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to

settlement of accounts of trustees after distribution of estates and compensation of trustees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1140—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 509—An Act to provide for the use of the credit of the State of California, for the establishment of a currency or an exchange medium.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 3 after the word and figure "Sec. 3.", and insert in lieu thereof the following: "The State shall provide a suitable depository for the safe-keeping of said bonds."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1144—An Act to add a new section to the Penal Code, to be known as Section 172*a*, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding after the word "code" in the first line thereof, the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "Code" insert the words "of California".

Amendment adopted.

And:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, strike out the letter "e", on the end of the word "therefore".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and rela-

ting to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1000—An act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

During second reading of bill, the following amendments were submitted by committee:

On page 3, line 67, after the period following the word "code", insert the following: "If any portion of the land applied for is not open to entry, the Surveyor General shall file application for such portion as may be open to entry, eliminating from the application such land as may not be open to entry."

Amendment adopted.

And:

Strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, after the word "land" insert the following: "or as to the applicant being an actual settler thereon."

Amendment adopted.

Also:

On page 2, Section 1, line 20, after the period following the word "expired" insert the following: "No application shall be approved which contains land located in more than one county."

Amendment adopted.

And:

Strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title of the bill by striking out in line 3 thereof the words "and one half", and insert in lieu thereof the letter "a".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the fraction " $\frac{1}{2}$ " and the words "of the Code of Civil Procedure", and insert in lieu thereof the letter "a".

Amendment adopted.

And:

On page 1, line 4, strike out the fraction " $\frac{1}{2}$ ", and insert in lieu thereof the letter "a".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the quotation marks before the figures "322".

Amendment adopted.

Also:

On page 2, Section 1, line 53, after the period following the word "stockholder" strike out the following: "He shall not, however, have any right of action against any person who becomes a stockholder subsequently to the time the said indebtedness was originally incurred."

Amendment adopted.

And:

On page 3, Section 1, line 61, after the word "State" strike out the quotation marks.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding on line 2 thereof after the word "Procedure" the words "of the State of California".

Amendment adopted.

And:

On page 1, Section 1, line 1, after the word "Procedure" insert the words "of the State of California".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 646—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 4, by striking out the word "five", and inserting in lieu thereof, the word "four".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 3, by striking out the words "five thousand", and inserting in lieu thereof the words "thirty-six hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner and the salaries, duties, and qualifications of his appointees.

During second reading of bill, the following amendments, were submitted by committee:

Amend page 2, Section 1, line 28, by striking out the words "fifteen hundred", and inserting in lieu thereof the words "ten hundred and eighty".

Amendment adopted.

Also:

Amend page 3, Section 1, lines 59 and 60a, by striking out the words "eighteen hundred dollars per annum", and insert in lieu thereof the words "one hundred and fifty dollars per month".

Amendment adopted.

Also:

Amend page 3, Section 1, lines 60a and 60b, by striking the words "fifteen hundred dollars per annum", and insert in lieu thereof the words "one hundred and twenty-five dollars per month".

Amendment adopted.

Also:

Amend page 3, Section 1, lines 67 and 68, by striking out the words "twenty-four hundred dollars per annum", and insert in lieu thereof the words "one hundred and fifty dollars per month".

Amendment adopted.

Also:

On page 2, Section 1, line 50, strike out the words "and shall fix the monthly compensation of such deputy", and insert in lieu thereof the following: "The compensation of such deputy is hereby fixed".

Amendment adopted.

Also:

On page 2, Section 1, line 50, strike out the comma, and insert in lieu thereof the following: a period.

Amendment adopted.

And:

On page 2, Section 1, line 46, strike out the word "may", and insert in lieu thereof the following: "shall".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing

for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

During second reading of bill, the following amendments were submitted by committee:

Amend page 2, Section 2, lines 5, 6 and 7, by striking out the following: "The annual salary of one of said clerks shall be eighteen hundred dollars. The annual salary of one of said clerks shall be sixteen hundred dollars." and insert in lieu thereof the following: "The annual salary of said clerks shall be sixteen hundred dollars."

Amendment adopted.

Also:

Amend page 1, Section 1, line 4, by striking out the word "four", and inserting in lieu thereof the word "three".

Amendment adopted.

And:

Amend page 1, Section 1, lines 10, 11, and 12, by inserting a period after the word "dollars" (line 10), and striking out the words "and the annual salary of one of said additional deputies shall be twenty-four hundred dollars".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 7, by striking out the words "four thousand", and inserting in lieu thereof the words "thirty-six hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 582—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 2, page 3, line 30, by striking out the words "fifteen hundred", and inserting in lieu thereof the words "thirteen hundred and twenty".

Amendment adopted.

And:

Amend Section 2, page 3, line 31, by striking out the words "twelve hundred" and inserting in lieu thereof the words "thirteen hundred and twenty".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 4, by striking out the words "one inheritance tax deputy".

Amendment adopted.

Also:

Amend page 1, Section 2, lines 5 and 6, by striking out the words "of the inheritance tax deputy, twenty-four hundred dollars;"

Amendment adopted.

Also:

Amend page 1, Section 2, line 7, by striking out the words "two thousand", and inserting in lieu thereof the words "eighteen hundred".

Amendment adopted.

And:

Amend page 1, Section 2, line 7, by striking out the words "two thousand", and inserting in lieu thereof the words "eighteen hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 756—An act to amend Section 751 of the Political Code, relating to deputies of the clerk of the Supreme Court.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 4, by striking out the word "six", and inserting in lieu thereof the word "five".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 4, by striking out the words "one cashier".

Amendment adopted.

Also:

Amend page 1, Section 1, lines 4 and 5, by striking out the words "one assistant book-keeper".

Amendment adopted.

Also:

Amend page 1, Section 1, lines 7 and 8, by striking out the words "of the cashier two thousand four hundred dollars;"

Amendment adopted.

Also:

Amend page 1, Section 1, lines 9 and 10, by striking out the words "of the assistant bookkeeper two thousand dollars;"

Amendment adopted.

Also:

Amend page 1, Section 1, line 10, by striking out the word "eight", and inserting in lieu thereof the word "six".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, of the printed bill, line 1, before the word "Section" add the following: "Section 1."

Amendment adopted.

Also:

Strike out the word "Section", on line 3.

Amendment adopted.

Also:.

Amend line 6, by striking out the words "three thousand", and insert in lieu thereof the words "twenty-five hundred".

Amendment adopted.

Also:

Amend line 6, by striking out the word "reporters", and insert in lieu thereof the word "reporter".

Amendment adopted.

And:

Amend line 9, by striking out the words "not exceeding two in number, each,".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of the Surveyor General and Registrar of the State Land Office, and to repeal all laws in conflict therewith.

During second reading of bill, the following amendments were submitted by committee:

Amend page 2, Section 2, line 12, by striking out the words "four hundred".

Amendment adopted.

Also:

Amend page 2, Section 2, lines 13 and 14, by striking out the word "eight", and inserting in lieu thereof the word "six".

Amendment adopted.

Also:

Amend page 2, Section 3, line 4, by striking out the word "eighteen", and inserting in lieu thereof the word "sixteen".

Amendment adopted.

And:

Amend page 2, Section 4, line 4, by striking out the word "eighteen", and inserting in lieu thereof the word "sixteen".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 673—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At three o'clock and forty minutes p. m., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 25, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry II. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 24, 1909, the further reading was dispensed with, on motion of Senator Willis.

COMMUNICATION.

The following communication was presented by the President of the Senate, and ordered printed in the Journal:

STATE OF SOUTH DAKOTA, ELEVENTH LEGISLATIVE ASSEMBLY.
HOUSE OF REPRESENTATIVES.

HOUSE JOINT RESOLUTION No. 7.

A joint resolution and memorial requesting Congress under the provisions of article five of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and Congress given power to enforce such prohibition by appropriate legislation.

Be it resolved by the House of Representatives and Senate concurring:

WHEREAS, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now therefore, be it

Resolved, That application be and hereby is made to congress, under the provision of article five of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other states of the United States now in session, or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved further, That the secretary of state be and hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE, SECRETARY'S OFFICE.

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of House Joint Resolution No. 7 as passed by the legislature of 1909, together with the endorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state of South Dakota, done at the city of Pierre this 6th day of February, 1909.

SAMUEL C. POLLEY,
Secretary of State.

[SEAL.]

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Clarence Reed and A. H. Elliott of Oakland.

Also:

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Benj. K. Knight of Santa Cruz.

Also:

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Stephen V. Costello of San Francisco.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge L. T. Price of Alpine.

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Also: Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 101½.

And report that the same have been correctly enrolled, and presented the same to the Governor on the twenty-fourth day of February, 1909, at twelve o'clock M.

STROBRIDGE, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 24, 1909.

To the Senate of the State of California.

I have the honor to inform your honorable body that I have approved Senate Bill No. 306—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.

Also: Senate Bill No. 304—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Also: Senate Bill No. 303—An Act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 302—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

Also: Senate Bill No. 78—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 67c, relating to the number of Superior Court Judges, and providing for the appointment of three additional Superior Court Judges in and for counties of the second class, and providing for their compensation.

Also: Senate Bill No. 313—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 312—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

Also: Senate Bill No. 311—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes 1905, relative to improvements at the State Printing Office.

Also: Senate Bill No. 310—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 308—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving, and other necessary expenses incurred by different State officers.

Also: Senate Bill No. 305—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane, and delinquent, and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 301—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.

Also: Senate Bill No. 111—An Act to add a new section to the Code of Civil Procedure, to be numbered seventeen hundred and twenty-four, relating to establishing who are the heirs-at-law, or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

Also: Senate Bill No. 300—An Act making an appropriation to pay the claim of the Southern Construction Company against the State of California.

Also: Senate Bill No. 285—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.

Also: Senate Bill No. 8—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 318—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Senate Bill No. 317—An Act to amend sections ten and eleven of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 316—An Act to amend sections ten and eleven of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Senate Bill No. 346—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Also: Senate Bill No. 46—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 533—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the thirty-eighth session of the Legislature of the State of California, during the sixtieth fiscal year.

Also: Senate Bill No. 29—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXI of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and cooperation of agricultural, viticultural, and horticultural non-profit cooperative associations.

Also: Senate Bill No. 309—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

Also: Senate Bill No. 187—An Act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Senate Bill No. 106—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 77—An Act to add a new section to the Political Code, to be numbered 1840, relating to the levy and collection of special district school funds.

Also: Senate Bill No. 15—An Act to amend Section 607 of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.

Also: Senate Bill No. 51—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907.

Also: Senate Bill No. 130—An Act to amend section two thousand nine hundred seventy-nine of the Political Code, relating to the powers and duties of the State Board of Health.

Also: Senate Bill No. 152—An Act to amend Section 317 of the Civil Code, relating to a waiver of notice by stockholders, or members of corporate meetings.

Also: Senate Bill No. 259—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No. 50—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts and justices of the peace.

Also: Senate Bill No. 273—An Act to amend section thirty-nine of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 583—An Act to amend Section 534 of the Political Code, relating to the salary of the Superintendent of State Printing.

J. N. GILLET,.
Governor of the State of California.

Message read, and ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees, operating lines of railway, to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Have had the same under consideration, and respectfully report the same back, with amendments and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 1132, 185, and 1231 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws, and amendments to the Constitution, and to enact the same at the polls independent of the Legislature—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted as amended.

WILLIS, Chairman.

Senate Constitutional Amendment No. 6 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4151 $\frac{1}{2}$, relating to the office of the Secretary of State—have had the same under consideration, and respectfully report the same back, per instructions.

WILLIS, Chairman.

Senate Bill No. 1104 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also: Senate Bill No. 200—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 123—An Act authorizing and directing the Board of Managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 84—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 125—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 19—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Also: Senate Bill No. 639—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Senate Bill No. 972—An Act to provide for the equipping and furnishing of the building now in process of erection at the Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Also: Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Ultra Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 1018—An Act to appropriate the sum of \$1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No. 1019—An Act to appropriate the sum of \$800.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1024—An Act to appropriate the sum of \$903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Also: Senate Bill No. 1025—An Act to appropriate the sum of \$1100.30 to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 1026—An Act to appropriate the sum of sixty and sixty one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Also: Senate Bill No. 1167—An Act appropriating money to pay the claim of S. B. Sumner against the State of California.

Also: Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-

second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies: providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Also: Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 910, 200, 123, 84, 125, 19, 639, 177, 176, 896, 102, 446, 972, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1130, and 1167 ordered on file for second reading.

Assembly Bills Nos. 173 and 1030 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 828—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back, with the recommendation that it be withdrawn.

ROSEBERRY, Chairman.

Senate Bill No. 828 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Thompson asked for and was granted unanimous consent to withdraw Senate Bill No. 828—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Senate Bill No. 828 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES (RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

ROSEBERRY, Chairman.

Senate Bill No. 992 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 1211—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RUSH, Chairman.

Senate Bills Nos. 1211 and 1179 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—have had the same under consideration, and respectfully report the same back, with amendments, and majority recommend that it do pass as amended.

McCARTNEY, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that all of said amendments except amendment No. 11 be adopted, and in lieu of amendment No. 11 we recommend that it be changed to read "three fourths of".

CURTIN,
McCARTNEY,
Minority.

Senate Constitutional Amendment No. 1 ordered on file.

SPECIAL ORDERS SET.

Senator Curtin moved that the consideration of the amendments to Senate Constitutional Amendment No. 1 be made a special order for Friday, February 26, 1909, immediately after the reading of the Journal.

Motion carried.

Also:

Senator Burnett moved that the consideration of Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17, be made a special order for this day immediately after the consideration of the file of Assembly bills.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the contingent fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of seventy-five dollars (\$75.00) in favor of the Sergeant-at-Arms of the Senate, the same being for the payment of bills attached.

Printing programs	\$30 00
Music (including piano rental)	70 00
Washington's picture, and placing decorations	20 00
Plants and flowers	10 00
Clerk	20 00

Total expense incurred\$150 00

One half of which amount, or \$75.00, is payable out of the contingent fund of the Senate, and the remaining half, or \$75.00, out of the contingent fund of the Assembly.

Also:

Resolved, That the sum of \$804.60 be paid out of the contingent fund to Senator W. F. Price, chairman of the Special Investigating Committee appointed to visit the following institutions and places calling for appropriations: Napa Hospital, Yountville Soldiers' Home, Peeble-Minded Home, San Francisco harbor, Los Angeles Normal School, Los Angeles Agricultural Park, Patton Hospital, Whittier Reform

School, Pathological Institute, and San Pedro harbor, and the Controller is directed to draw his warrant for the same, and the Treasurer ordered to pay said warrant.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinnelli, Miller, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended, and recommend that the author withdraw Senate Bill No. 245.

SAVAGE, Chairman.

Senate Bill No. 240 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk.

Also: Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Also: Assembly Bill No. 763—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon the streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 441, 569, and 763 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 8—Approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Also: Senate Concurrent Resolution No. 10—Approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Concurrent Resolutions Nos. 8 and 10 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Also: Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as Section 69a, relating to the certificate of registry of marriage.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 996, 997, and 998 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of law districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 1060 and 1228 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the eighth day of October, A. D. 1908.

Also: Assembly Concurrent Resolution No. 11—Approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Concurrent Resolutions Nos. 4 and 11 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to Committee on Printing.

WILLIS, Chairman.

Assembly Bill No. 298 ordered referred to Committee on Printing.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 1192—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the 'Whittier State School,'" approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be referred to the Committee on Finance.

MARTNELLI, Chairman.

Senate Bill No. 1192 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 984—An Act establishing the indeterminate sentence for persons convicted of crime, regulating the disciplinary management of the State

prisons in conformity with the purpose of such sentences, and providing for the parole of prisoners and for the government of paroled prisoners—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Committee on Judiciary.

MARTINELLI, Chairman.

Senate Bill No. 984 ordered referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 68—An Act to amend section one of an Act entitled "An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 68 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature, March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903; approved March 6, 1905, and all Acts amendatory thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Senate Bill No. 803 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution No. 5—Relative to the Alaska-Yukon-Pacific Exposition—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 5 taken up for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 5.

WHEREAS, The Alaska-Yukon Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint seven members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President

pro tem. of the Senate, and the Speaker and the Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Cartwright, Curtin, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, Price, Reily, Rush, Sanford, Savage, Stetson, Thompson, Weed, Willis, Wolfe, and Wright—26.

NOES—Senators Caminetti, Campbell, and Walker—3.

Assembly Concurrent Resolution No. 5 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 1221—An Act to amend Sections 3493m and 3493n of the Political Code, relating to the sale of lands uncovered by the recession or drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter 1, of Title VIII, of Part III of the Political Code, and being known as Article 11a—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LEWIS, Chairman.

Senate Bill No. 1221 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts, have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEWIS, Chairman.

Senate Bill No. 1207 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Constitutional Amendment No. 48—Proposed amendment to Article XI of the Constitution, relative to county support of indigent veteran soldiers, sailors, and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one fifth of a mill therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

ANTHONY, Chairman.

Senate Constitutional Amendment No. 48 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Also: Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California, by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107 both relating to the National Guard.

Also: Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

Also: Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ANTHONY, Chairman.

Assembly Bills Nos. 167, 168, 169, 171, and 302 ordered on file for second reading.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 543—An Act making an appropriation of fifteen thousand dollars for viticultural investigation—have had the same under consideration, and respectfully report the same back, and respectfully ask that the author withdraw the same.

BILLS, Chairman.

Senate Bill No. 543 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bill No. 543—An Act making an appropriation of fifteen thousand dollars for viticultural investigation.

Senate Bill No. 543 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Also: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BIRDSALL, Chairman.

Senate Bills Nos. 884 and 994 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be referred to Committee on Finance.

BIRDSALL, Chairman.

Assembly Bill No. 69 ordered referred to Committee on Finance.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Martinelli asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 11 taken up for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Approving the charter of the City of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February 1909.

WHEREAS, The City of Richmond, a municipal corporation of the county of Contra Costa, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 12th day of October, 1908, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said City of Richmond; and

WHEREAS, Said charter was on the 23rd day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Richmond, and the other copy with the county recorder of the said county of Contra Costa and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Richmond Record," being a daily newspaper of general circulation, printed and published in said City of Richmond, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Richmond to the qualified electors of said City of Richmond at a special election, previously duly called and therein held on the 9th day of February, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said City of Richmond, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF RICHMOND.

PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED OCTOBER 12TH, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

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ARTICLE I.

BOUNDARIES OF THE CITY.

SECTION 1. The municipal corporation now existing and organized under the general laws of the State of California as a municipal corporation of the sixth class, and known as the City of Richmond, shall continue to be a body corporate and politic under the name of the City of Richmond, and shall be a continuation of said

City of Richmond, and continue to hold and enjoy all of the rights, privileges and property now vested in said city, and all ordinances of said city not in conflict with this charter shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and incomplete shall be continued in accordance with the law under which such proceedings were commenced.

SEC. 2. The territory of the City of Richmond shall be all that which is embraced within the following boundaries, to wit: Beginning at the point where the westerly boundary of said Contra Costa County intersects the line between townships one (1) and two (2) north, Mount Diablo base; and thence running east to the southeast corner of lot twenty-eight (28) of section thirty-five (35) of township two (2) north, range five (5) west, M. D. B. and M.; thence south parallel with the west line of section two (2) of township one (1) north of range five (5) west, M. D. B. and M. to a point due west of the southwest corner of lot eighty-five (85) of the San Pablo Rancho as shown on the map accompanying the final decree of partition of said rancho; thence east to a point one hundred and seventy (170) feet east of the center line of road fourteen (14) as shown on said map; thence south to the southerly boundary of said Contra Costa County; thence following the boundary line of said Contra Costa County westerly and northerly to the place of beginning.

SEC. 3. The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II.

POWERS.

SECTION 1. The City of Richmond shall have and exercise the following powers:

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.
4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, proper for municipal purposes, and to control and dispose of the same for the public benefit.
5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.
6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.
7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.
8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness for any purpose authorized by the electors voting on the proposition to incur such indebtedness; to invest the proceeds arising from the sale of bonds in street improvement bonds issued under any act of the Legislature.
9. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat and power, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.
10. To control the bays, inlets and channels flowing through the city or adjoining the same, to widen, straighten and deepen the same where such work is necessary for the purposes of sanitation, drainage or removal of sewage; to fill the same when they are obstructions to proposed streets or roads; to control and improve the water front of the city and to maintain embankments and other works necessary to protect the city from overflow; to construct and maintain wharves, chutes, piers and breakwaters within the limits of the city.
11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave or otherwise improve all public streets and highways and public places, construct sewers, drains, bridges, conduits, culverts and subways thereon or thereunder, to plant trees, construct parking, and to remove weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.
12. To construct and maintain all works necessary for the disposition of the sewage, garbage and waste within the city, and to define and abate nuisances.
13. To establish and maintain hospitals, indigent homes and all other charitable institutions.
14. To acquire and maintain parks, playgrounds and places for recreation.
15. To acquire and maintain markets, baths and public halls.
16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.
17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant franchises to use the streets or public property, and impose conditions in connection therewith.

21. To exercise any power conferred upon municipalities by the constitution and laws of the State, to fix and establish rates to be charged by any corporation for any public service, and to regulate the quality of such service.

22. To exercise such other powers as may be hereafter granted by the Legislature to municipalities within the State.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally construed for the purposes of securing the well being of the municipality and its inhabitants.

ARTICLE III.

THE COUNCIL.

SECTION 1. All powers herein granted to and vested in the City of Richmond shall, except as herein otherwise provided, be exercised by a council to be designated the council of the City of Richmond; and said council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

SEC. 2. Said council shall be composed of nine members, each of whom shall have been an elector of the City of Richmond for at least one year next preceding his election.

The members of said council shall be known as councilmen, and their terms of office shall be six years commencing on the first day of July next succeeding their election, except that the terms of those first elected to serve as councilmen shall be as herein provided.

SEC. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing nine members of said council.

The nine members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for the term of six years.

Thereafter, on the second Monday in May, of each odd-numbered year, an election shall be held at which the three councilmen shall be elected to succeed the three members whose terms expire on the first day of July next following; also to elect a member for any unexpired term that may exist.

The electors, in form and manner prescribed in section two of Article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a resident of each ward at the time of his election; provided that all councilmen shall be voted for at large.

SEC. 4. The councilmen shall each receive the sum of five dollars for each day while sitting as a board of equalization; but no other compensation shall be paid unless the electors, by ordinance proposed and adopted in accordance with section two of Article VIII, shall otherwise provide.

SEC. 5. Said council shall fix the time and place for its regular meetings and adopt rules to govern its proceedings.

SEC. 6. Five members of the council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

SEC. 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of three hundred dollars without the affirmative vote of at least five members of the council.

SEC. 8. Said council shall elect one of its number as its presiding officer, who shall be known as mayor, to serve for one year after his election. In the absence or disability of the mayor, a mayor pro tem. shall be elected.

The said mayor shall preside at all meetings of the council, shall be the chief executive of said city, and as such shall sign all contracts on behalf of the city, and perform such other duties as may from time to time be assigned to him by the council. In all other respects he shall perform the same duties as any other member of the council.

SEC. 9. The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, engineer, chief of police, and except as otherwise provided, such other officers, boards or commissions as may be necessary for the transaction of the affairs of the municipality. It shall also appoint a commissioner of health and city physician, each of whom shall be a physician licensed to practice medicine.

SEC. 10. A vacancy in the council shall be filled by a majority of the remaining members. Such appointees shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

SEC. 11. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy for all municipal purposes except the payment of interest and principal on any bonded debt and in support of the public schools, shall not exceed the sum of sixty cents upon each \$100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized.

ARTICLE IV.

DUTIES OF OFFICERS.

SECTION 1. *Clerk*—It shall be the duty of the clerk to keep a true record of the proceedings of the council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

SEC. 2. *Auditor*—It shall be the duty of the auditor to act as bookkeeper and accountant of the municipality and shall record all financial transactions in books kept for that purpose. He shall draw warrants upon the city treasurer for all claims against the city which have been allowed by the council. He shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

SEC. 3. *Tax collector*—It shall be the duty of the tax collector to receive and collect all moneys due the city for taxes and licenses and from other sources, and shall pay all moneys received into the treasury of the city, within twenty-four hours after the receipt thereof.

SEC. 4. *Treasurer*—The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed by the council or board of education, provided that the approval of the council shall not be necessary to pay the monthly salaries of employees. The treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank authorized by law to receive deposits of public money, in accordance with the provisions of the constitution and act of the legislature entitled: "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof." (Approved March 23, 1907). And the provisions of such act are hereby made applicable to the government of the City of Richmond.

SEC. 5. *Assessor*—It shall be the duty of the assessor to make annually, a complete assessment of all property liable for taxation within the city between the first Monday of March and the first Monday of July next succeeding, and shall upon said last named date turn over to the city council the assessment roll so prepared by him. He shall act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate.

SEC. 6. *Attorney*—The attorney shall act as the legal adviser of the council and any officer of the city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the council. He shall prosecute all violators of the city ordinances and shall represent the city in all actions.

SEC. 7. *Engineer*—The city engineer shall advise the council upon all matters of an engineering nature. He shall also be ex officio superintendent of streets.

SEC. 8. *Chief of police*—The chief of police shall be the head of the police department and shall perform such duties as the council may impose.

SEC. 9. *Commissioner of health*—The commissioner of health shall have and exercise a general supervision over the sanitary condition of the city and shall issue all orders and directions for the enforcement of all sanitary laws and regulations; he shall enforce all laws of the state and ordinances of the city, and all rules and regulations of the department of health in relation to the sanitary matters; to make or cause to be made frequent analyses and examinations of milk and cream, meat, water and food stuffs and keep a record of the same and cause all nuisances to be abated with reasonable promptness, and in the performance of his duties shall be permitted at all times to enter any house, store, stable or building, may cause floors to be raised if necessary, and make thorough examination of cellars, vaults, sinks and drains; he shall impose such restrictions upon and exercise supervision of all persons exposed to, afflicted or sick with small-pox, scarlet fever or any contagious or epidemic disease as shall be necessary to protect from such disease all persons not of necessity connected with any person so exposed, afflicted, or sick; he shall have

power to cause any house or premises to be cleaned, disinfected or closed to visitors and prohibit persons from resorting thereto while such house is under quarantine; he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises and to take any other measures he may deem necessary to prevent the spread of any disease; with the approval of the council he shall have power to make such rules and regulations for the prevention and suppression of disease he may deem necessary; he shall appoint such inspectors and other employees as may be necessary, subject to the approval of the council, and shall fix their duties; he shall have the power to remove or discharge any person so appointed.

The commissioner of health and such deputies, inspectors and employees as may be designated by him shall have the powers of a police officer and may arrest, or cause to be arrested, any person violating any sanitary law.

The commissioner of health shall annually on the first day of July, send to the council a statement of the amount of work performed by his department during the preceding year, together with such other information and suggestions as he may deem proper to submit; he shall publish from time to time such statistics and information relating to the health of the community or methods of preventing or curing disease as he shall deem proper to publish; he shall also transmit to the council prior to the fixing of the tax levy an estimate in detail of the cost of providing for and maintaining his department during the current fiscal year.

SEC. 10. *City physician.* The city physician shall properly care for the indigent poor not otherwise provided with medical attendance; when directed by the chief of police or any police officer having charge thereof, he shall visit any police station and examine and make provision for the care of all persons there found to be sick, injured or insane, and report the result of such examination to the person directing such examination; he may at any time, and when required to do so by the board of education, make physical examination of the pupils of the public schools and make report of such examination. He shall transmit to the council on the first day of each month a detailed report of the duties performed by him during the preceding month, and for the purpose of making such report shall keep a record of all duties performed; he shall annually prior to the fixing of the annual tax levy send to the council a statement of the expenses of his office for the past year, together with an estimate in detail of the appropriations required for the maintenance of his office during the current fiscal year.

SEC. 11. The council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the city shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and serve during its pleasure.

SEC. 12. Any officer having charge of any department of the city government shall, subject to the approval of the council, appoint his subordinate officers or employees at such compensation as shall be determined by the council.

SEC. 13. The term of all officers appointed by the council shall be at the pleasure of the appointing power, but shall not exceed two years ending on June 30th, 1910, and each even numbered year thereafter. All officers shall serve until their successors are appointed and qualified.

SEC. 14. Whenever the public interest may require, the council may consolidate any of the offices provided for in this article.

ARTICLE V.

ELECTIONS.

SECTION 1. All elections for councilmen shall be held in accordance with the general laws of the state governing elections within municipalities unless otherwise provided by this charter or by ordinance of the council; and elections for members of the board of education shall be held in accordance with the general laws of the state governing the election of trustees of school districts, unless otherwise provided by this charter or by an order of the board of education.

SEC. 2. Nominations for councilmen and members of the board of education shall be made as herein provided.

SEC. 3. A petition shall be filed in the office of the clerk for the nomination of councilmen, or with the clerk of the board of education for the nomination of members of said board, at least twenty-five days prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of _____ (naming it) and giving the residence of said person within the City of Richmond. Such petition shall be signed by qualified and registered voters equal in number to at least three per centum of the votes cast at the preceding election for officers for which the nomination is asked. The requirements as to signatures (other than the number thereof), the verification of the petition and certification thereof provided in Section 1 of Article VIII for petitions for recall, shall apply to petitions for nominations for public office.

SEC. 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held two weeks prior to the day fixed in the charter, or date of special election if such election is called, for the election of such officers. If less than such number of petitions are filed, then no such primary election need be held, but the persons named in such petitions shall be deemed candidates for the office named, at the election to be held for the election of such petitions shall be deemed candidates for the office named, at the election to be held for the election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.

SEC. 5. If a primary election is held, it shall be the duty of the council, in case of the nomination of councilmen, and of the board of education, in case of the nomination of members of said board, to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow. In case the council or board of education fail to make the necessary provision for such primary election, then the clerk or the clerk of the board of education shall perform such duties. The proper clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the city for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates thereof whose petitions have been filed, printing the names of such candidates upon said ballot in the order in which such petitions shall have been filed. Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable. All ballots cast or marked contrary to such instructions shall be void. The polls shall open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which are to be elected the officers for the nomination of which the primary election is held.

SEC. 6. The returns of such primary election shall be filed with the city clerk, or the clerk of the board of education, as the case may be, and within forty-eight hours thereafter the said clerk shall open and canvass such return and declare the result of such election. The candidates to the number of twice the number of officers to be elected at the regular election thereafter to follow, receiving the highest number of votes at such primary election shall be declared to be the candidates to be voted for at the said following regular election. Their names shall be printed on the official ballot to be used at such election in the order of the number of votes received by each such candidate, the name of the candidate receiving the highest number of votes to be placed at the head of the list. In case the highest number of votes cast can not be determined by reason of a tie between one or more candidates, then the names of all such candidates whose votes are tied shall be placed on the official ballot. The names of all candidates to be voted for thus selected at the primary election shall be published for one week prior to the regular election in the official paper of said city.

ARTICLE VI.

SCHOOL DEPARTMENT.

SECTION 1. The school department of the City of Richmond shall be under the management and control of a board of education. Such board shall be composed of three members who shall have been citizens of the United States and residents of the City of Richmond for at least one year immediately preceding their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein otherwise provided. Elections for members of the board of education shall be held on the first Saturday in May of each even numbered year. At the election to be held in May, 1910, one member shall be elected to serve for the term of four years and one member for the term of six years. The member of the board of trustees of Richmond school district elected at the school election in April, 1909, shall be a member of the board of education until July 1, 1912, and his successor shall be elected at the election held on the first Saturday in May, 1912. At the election herein provided for, members of the board of education shall be elected for any unexpired term that may exist. The members of the board shall receive no compensation.

SEC. 2. Until the election and qualification of the members of the board of education as herein provided for, the present trustees of the Richmond school district shall be and constitute the board of education of the City of Richmond, and shall exercise the powers hereby conferred thereon.

SEC. 3. Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California, and in addition thereto shall have power:

1. To choose one of its members as president of the board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.

2. To appoint a superintendent of schools to serve during its pleasure and fix his compensation.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text-books when authorized so to do by the electors voting on such proposition.

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law, except as in this charter otherwise provided.

8. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of July following the next election held for the election of members of such board.

10. It shall elect and fix the salaries of all teachers, but such election shall be made only from a list of candidates nominated and recommended by the superintendent of schools, but the board may make rules in accordance with which such nominations and recommendations shall be made. It shall fix a time when such election of teachers shall be had. For the first two years of their service in the school department of the city, principals and teachers shall be subject to annual election; after a service of two years they may be elected for a term of three years.

SEC. 4. The superintendent of schools shall be the executive officer of the board of education and subject only to the orders thereof, and all principals, teachers and other employees shall be under the control and direction of the superintendent. He must examine and, in conjunction with the board, approve all plans for the construction or reconstruction of school buildings. He shall have supervision of the course of instruction and the discipline and conduct of the schools and recommend all text-books prior to their adoption by the board. He shall act as clerk of the board of education. He shall assign all teachers and principals, and make such transfers as may be necessary to the successful operation of the schools.

SEC. 5. The board of education shall annually determine the amount of money to be raised by taxation within the territory subject to taxation for school purposes for the maintenance of the public schools, in addition to the amount of money received from the state and county; and the board shall, prior to the time of fixing the rate of taxation by the council, submit in writing to the council a careful estimate of all money required by taxation in addition to the amount estimated to be received from said state and county. The council of the City of Richmond shall, and it is hereby authorized and directed, in each year when fixing the annual tax rate to levy and assess as a school tax for the maintenance of the public schools such amount as the board of education shall report necessary for the purpose. Whenever high schools are maintained by the school department of the city, a like estimate shall be made for their support and a tax levied and assessed sufficient to meet such estimate.

SEC. 6. Whenever the high school now established within the boundaries of the city shall, by law, pass under the jurisdiction of the board of education of the City of Richmond, the provisions of this article shall apply to its management.

SEC. 7. All moneys raised by taxation within the city for the support of the public schools shall be kept in a separate fund from all other funds, and shall be used exclusively for the purpose for which the tax is levied. All demands payable out of such fund shall be allowed by the board of education and certified to the city auditor, who shall draw a warrant therefor upon such school fund.

ARTICLE VII.

POLICE COURT.

SECTION 1. There is hereby created in and for the City of Richmond a court which shall be known as the Police Court of the City of Richmond. Said court shall consist of one judge, who shall be appointed by the council and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

SEC. 2. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 3. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court.

SEC. 4. Appeals may be taken to the Superior Court of the State of California in and for the County of Contra Costa, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts.

SEC. 5. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court.

SEC. 6. All fines and other moneys received or collected by the judge of said police court for or on account of the City of Richmond, shall be paid into the city treasury on the first Monday in each month.

SEC. 7. All actions and proceedings pending and undetermined in the existing recorder's court of the City of Richmond shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court.

SEC. 8. Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge.

ARTICLE VIII.

THE RECALL, INITIATIVE AND REFERENDUM.

SECTION 1. The holder of any elective office may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; *provided*, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one councilman is sought to be removed,

whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices of the councilmen to be elected for such different terms shall be deemed separate and distinct offices to be filled at such election.

Sec. 2. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications and duties of the clerk in respect thereto, provided in section 1 of this article for petitions for recall shall apply to petitions of initiative.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent of the entire vote cast at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next regular municipal election that shall occur at any time after sixty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty-five per cent of said votes and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the ordinance," and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words: "For the amendment," or "Against the amendment" of ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section: *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

Sec. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law and excepting such ordinance as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided: *provided further* that the petition for such referendum be filed within thirty days from the final passage of such ordinance or resolution.

Whenever a petition shall be presented to the council, asking that a particular ordinance named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section two of this article, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors, the provisions of such ordinance or resolution shall be suspended and inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section two.

ARTICLE IX.

MISCELLANEOUS.

SECTION 1. The ordaining clause of all ordinances adopted by the council shall be "The Council of the City of Richmond do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VIII shall be, "The People of the City of Richmond do ordain as follows."

Sec. 2. The electors may, in form and manner prescribed in Section 2 of Article VIII, provide the manner in which any municipal power may be exercised and restrict the power of the council in respect thereto.

Sec. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the State forbidding city officials to be so interested are hereby made a part of this charter.

Sec. 4. No member of the council shall hold any other municipal office, or hold any other office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation

of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 5. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

SEC. 6. The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer whose address is known.

SEC. 7. Liens for taxes levied and to be levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M.

SEC. 8. No bonded indebtedness shall be incurred unless the same shall be first authorized by a vote of two thirds of the electors voting at an election held for the purpose of voting on the proposition to incur such indebtedness; and no indebtedness incurred for the purpose of improving the water front shall at any time exceed six per cent of the assessed value of the property within the city.

ARTICLE X.

This charter shall take effect at noon on July 1, 1909; *provided*, that all provisions relative to elections, and the nomination of candidates for public office shall be operative upon the approval of this charter by the Legislature, and the board of trustees of the City of Richmond is hereby directed to provide for all elections to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of councilman.

All of the officials of the City of Richmond in office at the time this charter takes effect shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE.

WHEREAS, The City of Richmond, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the twelfth day of October, 1908, at a special election held under and in accordance with the provisions of section eight of Article XI of the constitution of the State of California, did elect F. E. Adams, C. L. Abbott, C. R. Blake, L. Boswell, L. D. Dimm, E. A. Gowe, E. J. Garrard, G. A. Follett, L. S. Higgins, I. E. Marshall, I. M. Perrin, E. M. Tilden, H. H. Turley, H. E. Wyatt and John Roth a board of freeholders to prepare and propose a charter for said city;

Be it known, that pursuant to the provisions of the constitution, and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the City of Richmond.

In witness whereof, we have hereunto set our hands this 23rd day of December, 1908.

H. E. WYATT,

President of the Board of Freeholders.

C. L. ABBOTT,

F. E. ADAMS,

L. BOSWELL,

L. D. DIMM,

G. A. FOLLETT,

E. J. GARRARD,

E. A. GOWE,

I. E. MARSHALL,

JOHN ROTH,

H. H. TURLEY,

E. M. TILDEN,

CHAS. R. BLAKE, M.D.

L. S. HIGGINS.

Attest: J. S. CHANDLER,

Secretary Board of Freeholders.

Filed this 28th day of December, 1908, at 12:30 P. M.

J. B. WILLIS,

President of the Board of Trustees
of the City of Richmond, Cal.

STATE OF CALIFORNIA,

County of Contra Costa,

City of Richmond. } ss.

I, H. H. Turley, city clerk in and for the City of Richmond, hereby certify that the board of trustees of said city, did by Resolution No. 158, order the foregoing charter published in the manner and form required by law.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Richmond, this 29th day of December, 1908.

H. H. TURLEY,
City Clerk.

[SEAL.]

MEMORANDUM.

The first publication of the foregoing charter was made on Tuesday, December 29th, 1908, in accordance with a resolution adopted by the Board of Trustees of the City of Richmond, in the "Richmond Record," a daily newspaper of general circulation, printed, published and circulated in said city.

STATE OF CALIFORNIA, }
County of Contra Costa, } ss.
City of Richmond. }

I, J. B. Willis, president of the Board of Trustees of the City of Richmond, State of California, and I, H. H. Turley, clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 12th day of October, 1908, at a special municipal election held in said City of Richmond on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Richmond Record," which then was a daily newspaper of general circulation, printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8, to wit, on the 9th day of February, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said City of Richmond on the 9th day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said City of Richmond to be affixed this 9th day of February, 1909.

[SEAL.]

J. B. WILLIS,
President of the Board of Trustees
of the City of Richmond.
H. H. TURLEY,
Clerk of said Board of Trustees
of said City of Richmond.

AND, WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the City of Richmond, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said City of Richmond.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Cartwright, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, and Wright—28.

NOES—None.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Birdsall asked for and was granted unanimous consent to withdraw Senate Bills Nos. 730 and 731.

Senate Bill No. 730—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Senate Bill No. 731—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.

Senate Bills Nos. 730 and 731 withdrawn, and ordered stricken from the file.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Wright moved that the vote whereby the Senate refused to concur in the following Assembly amendment to Senate Joint Resolution No. 3—Strike out all of lines 20, 21, 22, 23, 24, 25*a*, and 26, 27, 28, 29, 30, 37, 38, 39, 40, 41, 42, and 43 of printed bill—was refused adoption, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Anthony and Bell—2.

NOES—Senators Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—28.

Senate Joint Resolution No. 3 ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Hurd asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 9 taken up for consideration, out of order.

SENATE CONCURRENT RESOLUTION No. 9.

Approving ten certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

WHEREAS, The City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 155); and,

WHEREAS, The city council of said City of Los Angeles did, by ordinance designated as Ordinance No. 17458 (new series), adopted by said city council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the ten certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a special municipal election, to be held in said city on the 2nd day of February, 1909; and,

WHEREAS, Said ten proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of December, 1908; and,

WHEREAS, Thereafter the city council of said city did by an ordinance designated as Ordinance Number 17589 (new series), which was duly adopted on the 29th day

of December, 1908, order the holding of a special municipal election in said City of Los Angeles on the second day of February, 1909, which said last-mentioned date was at least forty days after the publication of said ten proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the twenty-ninth day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said ten proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said special election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said ten proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 5th day of February, 1909, duly certify to the submission to the electors of said city of said ten proposed amendments to said charter and to the ratification of said ten amendments, and did further certify to a copy of said ten proposed amendments, authenticated by a seal of the said City of Los Angeles, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA,
County of Los Angeles, } ss.
City of Los Angeles. }

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES.

We, the undersigned, A. C. Harper, mayor of the City of Los Angeles, State of California, and H. J. Lelande, city clerk of said city, do hereby certify as follows, to wit:

That the City of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455.)

That the city council of said City of Los Angeles, did, by Ordinance No. 17458 (new series) adopted by said council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 2nd day of February, 1909, which said amendments were and are in the words and figures as follows, to wit:

Charter Amendment Number One.

That Subdivision 7, Section 2, of Article I, of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or either or any thereof, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes; *provided*, the question of the issue of bonds therefor shall be first submitted to the qualified electors of the city at a special or general election, and that two thirds of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2, of Article I, of the charter, be amended by adding thereto three new subdivisions immediately after Subdivision 7 thereof, to be numbered respectively 7a, 7b and 7c, and to read as follows:

(7a) To provide for the supply of surplus water and surplus electric power, or either, belonging to the city, to other municipal corporations and to consumers and users outside of the city limits.

(7b) To acquire or build and operate railroads and interurban railroads from any point within the city limits, to any place or places within Los Angeles County and located on the ocean, or any inlet thereof, for the purpose of transporting

passengers or freight between the city and the ocean, and to fix and collect charges therefor.

(7c) To acquire or construct and operate public wharves, docks, piers or moles upon the seashore, in connection with the transportation of passengers and freight between the ocean and the city, and to fix and collect charges therefor.

That said Section 2, of Article I, of the charter, be amended by adding thereto two new subdivisions immediately after Subdivision 25 thereof, to be numbered respectively 26 and 27, and to read as follows:

(26) No wharf, dock, seawall, railroad, street railroad, electric road, traction road, canal, conduit, subway, water system, gas or electric system, light or power works or plant, or any public utility, now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by said city, shall ever be sold, transferred, leased, or disposed of, in whole, or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by said city shall ever be sold, transferred, leased, or disposed of to any person or corporation for resale, rental, disposal, or distribution to consumers, without the assent of two thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution, by the city, of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power, not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use or for resale and disposal, by such municipal corporations to consumers within such municipalities, respectively; *provided, further* that no electric power shall be distributed or supplied for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by a resolution, adopted by the board of public works, and approved by an ordinance of said city.

(27) The bed of the Los Angeles River, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided* this shall not prevent the granting by ordinance of franchises or rights to cross said river bed, or to take sand or gravel therefrom.

That Section 191, of Article XVIII, of the charter, be amended to read as follows:

Sec. 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said river Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privileges to use, manage, or control the said waters, or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election general or special, at which such proposition shall be lawfully submitted; *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the distributing or supplying by the city, in the manner hereinafter prescribed, of surplus water, belonging to the city, to other municipal corporations for public, domestic, and business purposes, within such municipalities, respectively, or to consumers and users outside of the limits of the city, for domestic and irrigating purposes; *provided, further*, that no water shall be distributed or supplied to any person, or corporation, other than municipal, for resale, rental, or disposal to consumers; and *provided, further*, that no water shall be furnished for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by resolution, adopted by the board of water commissioners and approved by an ordinance of said city.

Charter Amendment Number Two.

That Section 3, of Article II, of the charter, be amended to read as follows:

Sec. 3. The officers of the municipality shall be:

A mayor.

Nine councilmen.

A city clerk.

A clerk of the mayor.

A city treasurer.

A city auditor.

A city tax and license collector.

Seven members of the board of education.

A city school superintendent.

Five directors of the Los Angeles public library.

A city assessor.

A city engineer.

A city attorney.

A water overseer.

Five police commissioners.

A chief of police.

A chief engineer of the fire department.

Five members of the board of health.

A health officer.

Five fire commissioners.

Five park commissioners.

Five water commissioners.

A superintendent of water works.

Three commissioners of public works.

A secretary of the board of public works.

That Section 4, of Article II, of the charter, be amended to read as follows:

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large, to wit:

The mayor.

The city clerk.

The city attorney.

The city treasurer.

The city auditor.

The city tax and license collector.

The city assessor.

Seven members of the board of education, and

Nine members of the council.

That Section 13, of Article III, of the charter, be amended to read as follows:

Sec. 13. The said council, consisting of nine councilmen, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

That Section 200, of Article XIX, of the charter, be amended to read as follows:

Sec. 200. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of holding such election and designate the voting precincts and polling places therefor, and the names of the election officers for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; said ordinance shall be published in some daily newspaper printed and published in said city at least ten days prior to the time appointed for the holding of the election.

That Section 203, of Article XIX, of the charter be amended to read as follows:

Sec. 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Charter Amendment Number Three.

That Article XIV of the charter be amended by adding thereto, immediately after Section 146 thereof, a new section to be known as Section 146 $\frac{1}{4}$, and to read as follows:

Sec. 146 $\frac{1}{4}$. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River; provided, that, upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of water commissioners, as in the case of other water works belonging to said city.

Charter Amendment Number Four.

That Section 194, of Article XIX, of the charter be amended to read as follows:

ARTICLE XIX.

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of three kinds:

(1) Primary nominating elections.

(2) General municipal elections.

(3) Special elections.

That Section 195, of Article XIX, of the charter, be amended to read as follows:

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected the elective officers in this charter provided for.

That Section 196. of Article XIX. of the charter, be amended to read as follows:
Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election at twelve o'clock M., and shall serve for two years, and until their successors have been elected and qualified.

The officers elected at the general municipal election held on the first Tuesday in December, 1906, shall serve for three years, beginning on the first Monday in January, 1907, and until their successors have been elected and qualified.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That Section 197. of Article XIX. of the charter, be amended to read as follows:

Sec. 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office other than a vacancy in the office of member of the board of education, which shall be filled by such board, the council shall fill such vacancy for the unexpired term.

That Section 202. of Article XIX. of the charter, be amended to read as follows:

Sec. 202. All elections shall, except as herein otherwise provided, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time.

That Article XIX. of the charter, be amended by adding thereto, immediately after Section 206 of said Article XIX. the following sections, to be designated Sections 206a, 206b, 206c, 206d, 206e, 206f, 206g, 206h, 206i, 206j, 206k, 206l, 206m, 206n, 206o, 206p, 206q, and 206r, respectively, and to read as follows:

PRIMARY NOMINATING ELECTION.

Sec. 206a. Candidates to be voted for at any general municipal election, or special election to fill a vacancy, shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general or special election other than those selected in the manner hereinafter prescribed.

Sec. 206b. The primary nominating election shall be held not less than three nor more than five weeks preceding such general or special election. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general or special election, and such general or special election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

Sec. 206c. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

We, the undersigned, qualified electors of the city of Los Angeles, county of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general election, (or in case of a special election, say at a special election) for (name the office or offices to be filled).

Name of candidate.	Office.	Address.
.....
.....
.....
.....

Name of petitioner.	Address.
---------------------	----------

STATE OF CALIFORNIA, }
County of Los Angeles. } ss.

I,, do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No. street, in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing qualified electors of said city and that their respective residences are correctly stated as above set forth.

.....
.....
Subscribed and sworn to before me this..... day of
....., A. D.
.....

Sec. 206d. Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Petition for nomination of A. B. for city clerk and C. C. for city auditor, etc., etc. Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec. 206e. No petition for nominations shall be held sufficient unless signed by at least one hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No voter may sign more than one petition for a candidate for the same office.

Sec. 206f. Said petition shall be presented to the city clerk not later than sixty days and not earlier than eighty days prior to the election for which such nominations are made, and the clerk shall endorse thereon the date of such presentation. The clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If necessary, the council shall allow the clerk extra help in this work, and the clerk shall, within five days after the presentation thereof, attach his certificate to the petition showing the result of his examination.

Sec. 206g. If, by the clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206h. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Sec. 206i. Immediately upon the filing of the petitions for nominations, the clerk shall enter the names of the candidates so nominated in a list and shall, not later than ten days prior to the election, certify said list as being the list of candidates nominated as required by this charter, and shall cause said certificate, together with said list of names and the offices for which the several candidates were respectively nominated, to be published at least five consecutive days prior to the primary nominating election in five of the daily newspapers published in the city.

Sec. 206j. Any proposed candidate may cause his name to be withdrawn and removed from the list of candidates by filing with the clerk his request and demand, in writing, to that effect any time before the clerk shall have certified the list of candidates nominated.

Sec. 206k. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

"PRIMARY NOMINATING ELECTION"

CITY OF LOS ANGELES.

(Inserting date thereof.)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

Sec. 206l. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec. 206m. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Sec. 206n. Any candidate to fill a vacancy and to serve the remainder of an unexpired term, shall be designated on the ballot as a candidate to fill a vacancy.

Sec. 206o. The two candidates receiving the highest number of votes for any given office at the primary nominating election, shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election or special election, *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling, in number, twice the number of such offices, who receive the highest number of votes, at the primary nominating election shall be the candidates and the only candidates for such offices, whose names shall be printed upon the ballot to be used at such general or special election.

Sec. 206p. The ballot at such general or special election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 206g. Any person entitled to vote at any election held in the city of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206r. Nothing contained in any of the foregoing sections numbered 206a to 206g inclusive, shall be deemed to apply to an election held under the provisions of Section 198c of this charter.

Charter Amendment Number Five.

That Article XX. of the charter, be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Sec. 207. The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city), unless the city council shall have first caused notice to be published for not less than five days in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council, subject to approval by the mayor and passage over his veto by the council, and the provisions of Sections 37 and 38 of this charter are hereby made applicable to every such resolution; that any such contract shall be made in writing, the draft thereof approved by the council, and the same ordered to be, and be, signed, on behalf of the city, by the mayor, or some other person authorized thereto by resolution, and that the approval, as to form, of such contract by the city attorney, as required by Section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may by resolution authorize any officer, committee, or agent, of the city to bind the city for the payment of a sum of money, not exceeding \$500, without a contract in writing and without any previous publication of notice inviting proposals or the presentation to or approval by the mayor of such resolution.

Charter Amendment Number Seven.

That the charter be amended by adding a new article thereto, to be known as Article XXV, and to read as follows:

ARTICLE XXV.

ANNEXATIONS, CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, ESTABLISHMENT AND GOVERNMENT OF BOROUGHES, HARBOR IMPROVEMENT BONDS.

Sec. 257. Whenever it shall be authorized by the laws of this state, it shall be lawful, under the charter of the city of Los Angeles, to annex or join to the city of Los Angeles any contiguous city or town in Los Angeles County, incorporated under the general laws of the State, or existing under a freeholders' charter, or any contiguous territory in said county, within any part of which the whole of any such city or town may be included, to be governed under the charter of the city of Los Angeles, and the question of annexation or joinder to the city of Los Angeles may be voted upon at an election to be called and held as provided by law.

It shall also be lawful to consolidate the city and county governments within the boundaries of the city of Los Angeles as now or hereafter established whenever the same shall be authorized by the laws of this state.

Sec. 258. A borough may be established in any territory hereafter annexed to the city of Los Angeles containing a population of not less than five hundred inhabitants, whether such territory in whole or in part was or was not included within

the limits of any incorporated city or town at or immediately prior to the time of such annexation, in the manner, with the powers and subject to the conditions and limitations, hereinafter provided:—

(a) The government of a borough, established under the provisions of this charter, shall be vested in a board of trustees, to consist of five members, to be elected by the qualified electors of such borough, and the other officers of such borough to be appointed by the board of trustees thereof, as hereafter provided.

(b) Whenever a petition shall be presented to the city council of the city of Los Angeles, signed by at least fifty per cent of the qualified voters residing in such territory, computed upon the number of votes cast at the last general state election held therein, describing the boundaries of such territory and proposed borough and stating the proposed name thereof, and praying for the establishment therein of a borough system of government, the city council of the city of Los Angeles must without delay submit to the voters of such territory, the question whether such proposed borough shall be established, at a special election to be called and held for that purpose, and cause a notice of such election to be published in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, at least once a week for a period of three successive weeks next preceding the date of such election. If there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory. Such notice shall particularly describe the boundaries of such proposed borough; shall state the name thereof, and shall require the voters to cast ballots, which shall contain the words "For the establishment of the borough" or "Against the establishment of the borough," or words equivalent thereto, and also the names of the persons to be voted for to fill the office of members of the board of trustees of such proposed borough.

Such election shall be called, held and conducted, and the returns thereof shall be canvassed and the result thereof declared by the city council, in all respects as in the case of general municipal elections in the city of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast are in favor of the establishment of such borough, the city council shall, by an order entered upon its minutes, declare such borough duly established, with the name thereof stated in such petition, and declare the five persons receiving, respectively, the highest number of votes for members of the board of trustees of such borough to be the duly elected members of the board of trustees thereof, and thereupon the establishment of such borough shall be complete, and such officers shall be entitled to enter immediately upon the discharge of the duties of their respective offices, upon qualifying in accordance with law. The trustees elected at such election shall hold office during the remainder of the period for which the mayor of the city of Los Angeles then in office shall have been elected, and their successors in office shall be elected by the qualified voters of such borough at the same time and shall serve for like terms as shall be provided for election and duration of the term of office of mayor of the city of Los Angeles.

(c) The board of trustees of such borough shall elect one of their number president, and shall prescribe by rules the time and place of their meetings and of their manner of procedure, and they shall have power to regulate and control all local municipal affairs throughout the said borough, excepting as to those matters and things where jurisdiction is herein conferred upon or reserved to the city of Los Angeles; and they shall also have power to levy a general tax upon the taxable property within such borough for borough uses, not exceeding one dollar upon each one hundred dollars worth of taxable property, according to the assessed value thereof.

The said board of trustees of any borough shall also have power to appoint and remove an attorney, a clerk, a treasurer, an auditor, a recorder, a marshal and necessary police officers and men, and such other officers, agents and employees as they deem necessary to conduct said borough government; *provided, however*, that the powers and duties of assessor and tax collector respectively, of such borough shall be vested in and be performed by the assessor and tax collector, respectively, of the city of Los Angeles. In case it shall be required by ordinance passed by the board of trustees of any borough, the city treasurer of Los Angeles city shall perform the duties of treasurer of such borough.

Except as herein otherwise provided, any borough established under this charter shall have the powers, and the board of trustees and officers and agents thereof, respectively, shall have the powers and perform the duties, now or hereafter conferred or imposed by the general laws of the State of California upon cities of the sixth class and the officers and agents thereof, respectively.

(d) The qualified voters of any borough shall be entitled to vote at all elections for officers of the city of Los Angeles, and at all other elections affecting property in such borough.

(e) All general taxes levied and collected by, or for and on account of, any borough shall be paid over to the proper borough treasurer, except as hereafter provided.

All property within any borough shall be taxable for the purpose of paying the principal and interest of any bonded or other indebtedness of the city of Los

Angeles incurred after the annexation of the territory in which such borough is located and before the establishment of such borough, and of any bonds issued by said city, under the provisions of Section 262 of this charter, after such annexation, and of any bonds issued for county indebtedness, in case of the consolidation of city and county governments. All taxes upon property in any borough for the purpose of paying the principal or interest of bonds issued by such borough, or of bonded or other indebtedness of said city incurred as aforesaid, or of bonds issued by said city, as aforesaid, under the provisions of Section 262 of this charter, shall be levied and collected by said city and shall be paid over to the treasurer of said city. No other taxes shall be levied or collected by said city upon property within such borough; *provided, however*, that if the whole or any part of such borough shall heretofore have been embraced within the limits of an incorporated city, and there are any outstanding bonds or other indebtedness of such city chargeable against property within such borough, the city of Los Angeles shall have power to levy and collect upon such property, from time to time, such sums as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such indebtedness, and to pay the same in discharging such liability; *and provided, further*, that, in case of the consolidation of city and county governments, the property within any such borough shall be taxable for general purposes of such consolidated city and county, subject, however, to the limitation prescribed in Section 259 of this charter.

The principal and interest of all bonds issued by any borough shall be paid through the treasurer of the city of Los Angeles.

(f) The city of Los Angeles shall have exclusive jurisdiction over two streets or highways in each borough which, in themselves, or in continuation of, or in connection with, other streets or highways, extend from the present boundaries of the city of Los Angeles to the water front and to established government harbor lines, if such harbor lines shall have been established at such water front, and of two cross streets within such borough which lead to any docks, wharves, piers, or navigable waters in such borough, which streets and cross streets, and the continuations or extensions of streets, as aforesaid, shall be selected and designated by ordinance of the city council of the city of Los Angeles as harbor highways. The city of Los Angeles shall have exclusive power to control and regulate the use, maintenance and repair of such harbor highways, and the making of excavations therein, and to open, extend, widen, straighten, grade, regrade, macadamize, remacadamize, pave, repave, establish or change the grade of, or otherwise improve, the same, and shall also have exclusive power to control or acquire, own, construct and operate water, gas, electric lighting and power plants, railroads, street railroads, and electric roads and to grant franchises therefor upon and over such harbor highways. The city of Los Angeles, shall also have, throughout the whole of said city, including any such borough, the exclusive power to acquire, construct, own, operate and maintain docks, wharves, piers, canals and seawalls, and to regulate and control navigable waters, anchorage, wharfage and pilotage, and shall have the ownership, possession and control of all tide-lands and submerged lands below the line of mean high tide, whether filled or unfilled, and of all water front within the limits of said city; *provided*, that not exceeding 1000 feet of water frontage continuous in one body, within any such borough, with any wharves, docks, piers or other improvements thereon or to be placed thereon under authority of any such borough, together with the adjoining co-terminus tide land or submerged land, is hereby reserved for the uses of such borough, and such borough shall have jurisdiction over such 1000 feet of frontage and such improvements thereon and such co-terminus tide land or submerged land for municipal purposes, and shall designate such frontage by ordinance within sixty days after the organization of the first board of trustees of such borough; *provided, however*, that such frontage so designated shall not include any portion of water frontage or lands theretofore improved by the city of Los Angeles, except by consent of the city of Los Angeles given by ordinance adopted by its city council; *and, provided, further*, that such frontage shall be subject to all rights of way for highways, railways, street and other railroads, as may be determined from time to time by the city council of the city of Los Angeles.

Sec. 259. Whenever the consolidation of city and county governments of the territory within the city of Los Angeles becomes effective, the city council, or its successor in office, of the consolidated city and county of Los Angeles shall also exercise the powers of a board of supervisors, including the power to levy and collect taxes, as may be authorized by law, upon all property within such consolidated city and county; *provided*, that in any borough, if any there be, embraced in such consolidated city and county, not exceeding one-half of the percentage of the levy of taxes for general purposes of such consolidated city and county, shall be levied and collected from property in such borough. In all other respects such borough shall continue to exist and be governed as hereinbefore provided in this article.

Sec. 260. Whenever, in the opinion of the city attorney of Los Angeles, the public interests require him so to do, he shall be authorized, and whenever directed by the city council of Los Angeles, it shall be his duty, to commence and prosecute all actions and proceedings in the name of the city to recover possession of, or to determine adverse claims to, any highway, street, alley, water frontage, tide-land, or other property held for or dedicated to any public use.

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide-lands, submerged lands, or other real property or appurtenances thereunto belonging, owned or held by the city of Los Angeles, or by any borough therein, for any public use, unless thereunto authorized by two-thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted: *provided*, that whenever the city of Los Angeles shall have acquired the absolute title and possession to more than ten thousand consecutive feet (linear measurement) of water frontage and the co-terminus and adjacent tide and submerged land upon the water front, as fixed by the government harbor lines of the navigable waters of the outer or inner bay of San Pedro, not including frontage upon any island nor frontage held by any borough, nor any frontage created by construction of channels by any person or corporation other than the United States, the city of Los Angeles may lease, by ordinance, from the water frontage in excess of said ten thousand feet so owned by said city, for periods of not exceeding fifteen years, alternate frontages upon such outer or inner bay where it so owns such water frontage, as the case may be, not exceeding one thousand linear feet in a continuous body, together with the adjacent and co-terminus tide-land, to any person or corporation, and said ten thousand feet of water frontage and each alternate thousand feet of such excess water frontage, together with the adjacent and co-terminus tide and submerged land, shall be reserved for public uses as aforesaid. Each such lease shall contain a condition that in case such lease or property, or any part thereof, embraced therein, shall be transferred or subleased, or the control thereof given or granted to any person or corporation so that such person or corporation shall then own, hold or control more than two (2) thousand feet of said water front, upon any part of the outer or inner bay of San Pedro, then such lease, and all rights thereunder shall thereupon be absolutely terminated. Every such lease granted or made hereunder, shall be subject to all rights of way over the tide and submerged land embraced therein for highways, streets, railways, and street and other railroads, as may from time to time be determined by the city council.

In any case, where the city of Los Angeles or its predecessors in interest or authority shall have executed any lease or grant, or any document purporting to be such, to any person or corporation, the water front, tide-lands, and submerged lands covered thereby, shall not be deemed to be subject to be again leased or granted by the city of Los Angeles under this section until such lease or grant shall have been cancelled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

Sec. 262. For the purpose of opening, improving, constructing or maintaining streets, highways, or other means of public transportation, to navigable waters within the county of Los Angeles, and acquiring the necessary land therefor by purchase or condemnation, and for the further purpose of constructing and maintaining canals and waterways between such navigable waters and any such streets, highways, or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for the further purpose of constructing docks, wharves, and warehouses, within or without the city boundary, to be owned and operated by the city, and acquiring the necessary land therefor by purchase or condemnation, the city of Los Angeles shall be authorized to incur an indebtedness.

That Article III of the charter be amended by adding seven new sections thereto, to be designated as "harbor improvement bonds."

Charter Amendment Number Twenty-three.

That Article III of the charter be amended by adding seven new sections thereto, to be known as Sections 36a, 36b, 36c, 36d, 36e, 36f, and 36g, immediately after Section 36 of said article, and to read as follows:

Sec. 36a. The council shall have power, by ordinance, to provide for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Sec. 36b. The council shall have power, by ordinance, to provide for the removal, from private lands or lots, of weeds, rubbish, or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity; to make the cost thereof a lien and charge upon such lands or lots, and to make provision for the enforcement of such lien.

Sec. 36c. The council shall have power, by ordinance, to require the owners of real property in the city to remove grass, weeds or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sec. 36d. The council shall have power, by ordinance, to require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect their several premises therewith before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved.

and, upon their default, cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

Sec. 36c. Except as otherwise provided in this charter, or in the constitution of the State of California, the council shall have power, by ordinance, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

Sec. 36f. The council shall have power, by ordinance, to set apart as a boulevard or boulevards, any street or streets, or portions thereof, and to make regulations for the use of the same.

Sec. 36g. The council shall have power, by ordinance, to provide for the licensing of dogs, the seizure and impounding of unlicensed dogs, the care and protection of lost, strayed or homeless dogs, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs, whether licensed or not; to authorize contracts to be made in the name of the city for the care or protection of, or the prevention of cruelty to, animals, for the capture and impounding of all unlicensed dogs, and the maintenance of a shelter for lost, strayed, or homeless dogs; *provided, however*, that the compensation to be paid therefor, must not exceed, in any one year, the amount collected by the city from the payment of licenses for dogs during such year.

That Section 34 of Article III of the charter be amended to read as follows:

Sec. 34. It shall, by ordinance, regulate the speed of railroad trains, engines or cars, street, or other railroad cars, automobiles and other vehicles in the city, and require persons, firms or corporations, operating railroads or street or other railroads, to station flagmen, place gates, or construct bridges, viaducts, tunnels or subways, at railroad crossings, as the council may deem proper.

Charter Amendment Number Twenty-seven.

That Section 58 of the charter be amended to read as follows:

ANNUAL REPORTS OF OFFICERS.

Sec. 58. It shall be the duty of the mayor, city attorney, city treasurer, city assessor, city tax and license collector, chief of police, city auditor, health officer, water overseer, city clerk, city engineer, board of public works, chief engineer of the fire department, city sealer of weights and measures, city school superintendent, board of directors of the Los Angeles public library, and the board of park commissioners, each to present to the council, at its meeting in the second week in July of each year, a report for the preceding year, ending on the 30th day of June last which shall show as follows:

(1) The mayor shall, in addition to his report as mayor, inform the council of the condition of the police court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and amount of fines and from whom collected; and to that end he may require such reports from the police judges as he may deem necessary.

(2) The city attorney shall, in his report, present an abstract of all actions and proceedings in the supreme and superior courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

(3) The city treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and the date and number of the demands on which the respective amounts are paid.

(4) The city tax and license collector shall report the amount of money received and on what account.

(5) The city assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

(6) The city auditor shall make a proper statement of the transactions of his office, as provided in Section 43.

(7) The chief of police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

(8) The health officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated; and other matters of interest pertaining to his office.

(9) The water overseer shall, in his report, show the amount of water rates or charges collected by him; and shall make a detailed statement of the condition of the water systems of the city, so far as the same are entrusted to his charge.

(10) The report of the city clerk shall show the number of licenses issued, and for what amount.

(11) The report of the city engineer shall show the character, cost and condition of all public works and improvements in course of construction during the year.

(12) The report of the board of public works shall show the cost of erection, alteration and repair of all buildings during the year; and shall show also the general result of its inspection of buildings during the year. Said board shall report also the number of building permits issued by it.

(13) The board of public works shall report upon the condition of the streets of the city and the improvements of the same during the year; and shall show what action was taken by it in the enforcement of ordinances pertaining to street obstructions and in regard to deviations from contract in the construction of public works.

(14) The report of the chief engineer of the fire department shall show the condition of the fire department and its apparatus, giving a detailed statement thereof; also the work of the department during the year.

(15) The report of the city sealer of weights and measures shall show the amount of charges collected by him, and such other matters as are entrusted to him.

(16) The report of the city school superintendent shall show the number and condition of the public schools, the number of teachers and their salaries and the number of pupils in attendance.

(17) The report of the board of directors of the Los Angeles public library shall show the condition of their trust for the year ending the 30th day of June of that year; the various sums of money received from the library fund and from other sources; for what purpose such money has been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such information and suggestions as it may deem of general interest.

(18) The report of the park commissioners shall show the condition of the parks, with the kind, cost and expense of the improvements, including the entire cost and expense of the department for the year ending June 30th, last preceding.

That Section 150 of the charter be amended to read as follows:

Sec. 150. The board of public works shall present to the city council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the board of public works shall also, on or before the tenth day of each month make out and present to the city council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

That subdivision *k* of Section 192 of the charter be amended to read as follows:

(*k*) The board of water commissioners shall present to the city council, at its meeting in the second week of July in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

That Section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Sec. 43. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in article XXI.

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

That Section 44 of the charter be amended to read as follows:

CITY TREASURER.

Sec. 44. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in Section 43 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

One of which receipts shall be forthwith deposited with the city auditor.

He shall make a report at the close of each business day, to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city auditor, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor or finance committee shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the city hall for the keeping of the city money, the treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office.

That Section 46 of the charter be amended to read as follows:

CITY ASSESSOR.

Sec. 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes.

In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California, *provided*, that the newspaper referred to in Section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from

whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the said assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now, or may hereafter be, prescribed by the ordinances of the city.

When such list has been made out and the same returned to the council, as prescribed by such ordinances, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles county, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided*, that before any such assessments shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath, such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owners is paid, or the property sold for the payment thereof.

The said corporation shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county.

That Section 205 of the charter be amended to read as follows:

Sec. 205. The registers used at any election held in pursuance of this charter shall be registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers, together with such supplemental registers, showing all additional registrations, transfers and changes since the closing of registration for the last preceding general state election, with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Charter Amendment Number Twenty-eight.

That Section 32 of the charter be amended to read as follows:

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles.

The council may by ordinance authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events, or demonstrations as the council may deem proper.

Charter Amendment Number Thirty-one.

That a new section be added to the charter, immediately after Section 199 thereof, to be designated as Section 199½, and to read as follows:

Sec. 199½. The city council may, in calling special elections, order the consolidation thereof; *provided, however*, that not more than ten separate propositions or questions shall be submitted in any one election.

That said ten proposed amendments were, and each of them was, published for twenty days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Journal," said publication ending on the 23d day of December, 1908.

That thereafter the city council of said city, did, by an ordinance known as ordinance No. 17589 (new series) which was duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said city of Los Angeles on the 2nd day of February, 1909, which said last-mentioned date was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 29th day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said ten proposed amendments to said charter.

That the city council of said city of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the city of Los Angeles, this 5th day of February, 1909.

A. C. HARPER.

Mayor of the City of Los Angeles

H. J. LELANDE.

City Clerk of the City of Los Angeles.

AND WHEREAS, The said ten proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of said city of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said city of Los Angeles.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Thompson, Walker, Weed, Willis, and Wright—29.

NOES—None.

SENATOR EXCUSED FROM VOTING.

Senator Savage asked for and was granted unanimous consent to be excused from voting on Senate Concurrent Resolution No. 9.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located in Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients.

Also, Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 66—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel, connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriation therefor.

Also: Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Also: Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Also, Senate Bill No. 124—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing systems at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Also: Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said building, and making an appropriation therefor.

Also: Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital, at Patton, called and known as "The Congregate Dining-room," and to make appropriation for the same.

Also: Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.

Also: Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 504—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Senate Bill No. 604—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation.

Also: Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 39, 43, 66, 76, 105, 108, 124, 126, 172, 175, 213, 278, 447, 474, 504, 604, and 713 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Senate Bill No. 132 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

Senate Bill No. 103 temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Senate Bill No. 812 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 684—An Act to amend Section 4243 of the Political

Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 353—An Act to amend Section 1251 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11—Relative to proposed amendment to Article 13 of the Constitution, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.

Senate Constitutional Amendment No. 11 temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 17 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

On motion of Senator Estudillo, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Campbell, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Hare, Holohan, Lewis, Martinelli, Miller, Price, Reily, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

On motion of Senator Estudillo, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Willis as a special committee of one to amend, as follows:

In Section 1, line 1, strike out word "and", and insert a comma.

Also:

In line 2, after the figures "1177", insert the following: "and 1241".

Also:

Amend title by striking out the word "and", between the figures "1175" and "1177", and insert a comma.

Also:

After the figures "1177" insert the following: "and 1241".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 659, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 819 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, and Walker—28.

NOES—Senators Leavitt and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of the tax deeds for property sold for delinquent taxes.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 838 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 812 taken up for consideration, out of order.

Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 812 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Strohbridge, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—Senator Holohan—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. T. H. Haskins of San Francisco.

Also:

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. R. G. Guyette and E. L. Gregory of Palo Alto.

Also:

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. George H. Foster of San Rafael.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California.

The Legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the State, except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

Second. Section four of article thirteen is hereby repealed.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 11 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Hare, Hartman, Holohan, Hurd,

Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—33.
 NOES—None.

Senate Constitutional Amendment No. 11 ordered transmitted to the Assembly.

Senate Bill No. 501—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

On motion of Senator Sanford, Senate Bill No. 501 was temporarily passed on file, to retain its place.

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1899.

On motion of Senator Bills, Senate Bill No. 798 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof.

Read third time.

On motion of Senator Curtin, Committee Substitute for Senate Bill No. 558 was temporarily passed on file, to retain its place.

Senate Bill No. 765—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Martinelli moved to refer to Senator Sanford as a special committee of one to amend, as follows:

By striking out all of Section 2, and inserting in lieu thereof the following:

SEC. 2. Upon this Act becoming effective, the State Board of Prison Directors may draw upon the moneys herein appropriated in the amount of two hundred fifty dollars (\$250,000), without submitting vouchers therefor, which amount shall from time to time be replenished by demands upon said appropriation equal to the amount

of expenditures represented by vouchers submitted to the State Board of Examiners and filed with the Controller.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 773, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

On motion of Senator Campbell Senate Bill No. 760 was temporarily passed on file, to retain its place.

Senate Bill No. 771—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strohbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 832 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strohbridge, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 921 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli,

McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 768 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, McCartney, Miller, Price, Reilly, Roseberry, Rush, Savage, Stetson, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

On motion of Senator Burnett, Senate Bill No. 662 was temporarily passed on file, to retain its place.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

On motion of Senator Burnett, Senate Bill No. 664 was temporarily passed on file, to retain its place.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

On motion of Senator Burnett, Senate Bill No. 660 was temporarily passed on file, to retain its place.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

On motion of Senator Burnett, Senate Bill No. 661 was temporarily passed on file, to retain its place.

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

On motion of Senator Burnett, Senate Bill No. 657 was temporarily passed on file, to retain its place.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

On motion of Senator Burnett, Senate Bill No. 658 was temporarily passed on file, to retain its place.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

On motion of Senator Burnett, Senate Bill No. 663 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 37.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section seven of article nine thereof, relating to boards of education.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, one thousand nine hundred and nine, and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby propose that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, the head of the department of education, the head of the department of education of Leland Stanford Junior University shall be ex officio members of the State Board of Education. Prior to the first day of July, after the adoption of this amendment, the Governor shall appoint one person who at the time of his appointment is a president of a state normal school, one who at such time is a county superintendent of schools, one who at such time is principal of a secondary school, and one who at such time is a city superintendent of schools, no two of whom shall be from the same county, as members of the State Board of Education. The term of office of one of the members so appointed shall end one year after said first day of July, and that of one member each first day of July thereafter, until the term of each appointive member has expired. The order in which the terms of the several members expire shall be determined by lot at the first meeting of the Board of Education held under this provision. Whenever the term of an appointive member expires, his successor shall be appointed by the Governor. Each member appointed to succeed one of the members first appointed shall hold office for four years from the time when the term of his predecessor expired. The board herein provided shall enter on its functions on the first day of July after the adoption of this amendment.

The State Board of Education shall compile or cause to be compiled, and adopt a uniform series of text-books for use in the elementary schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years.

The State Board of Education shall prescribe, subject to legislative enactment, the credentials upon which secondary school certificates may be issued by county superintendents and county boards of education.

The Legislature shall provide for a county board of education in each county in the State. The county superintendents of schools and the county boards of education shall have control of the examination of teachers for elementary and special certificates, and the granting of all teachers' certificates within their respective jurisdictions.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 37 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Hobbs, Hurl, Martinielli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, and Wright—28.

NOES—Senator Leavitt—1.

Senate Constitutional Amendment No. 37 ordered transmitted to the Assembly.

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 908—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359¹/₂, providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 908 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holohan moved to refer to Senator Black as a special committee of one to amend, as follows:

On page 1, Section 1, line 9, of the printed bill, after the word "purchasing" insert the following: "or repairing".

And:

On page 2, Section 3, line 8, of the printed bill, after the word "exceeding" strike out the word "ten", and insert in lieu thereof the word "forty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 630, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 763—An Act to amend Sections 628, 628a, 632¹/₂, 634 and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker as a special committee of one to amend, as follows:

By striking out of Section 2, line 5, the word "fifteenth", and inserting in lieu thereof the following: "first";

Also:

By striking out of Section 2, line 6, the word "April", and inserting in lieu thereof the following: "May";

Also:

By striking out of Section 2, line 6, the word "fifteenth", and inserting in lieu thereof the following: "first";

Also:

By striking out of Section 2, line 6, the word "June", and inserting in lieu thereof the following: "July";

Also:

By inserting after the word "catches", on line 7, Section 2, the word "or";

Also:

By striking out of Section 2, line 7, the words "or has in his possession";

Also:

By striking out of Section 4, line 35, the words "Dungan's Ferry", and inserting in lieu thereof the following: "East Ferry";

Also:

By inserting after the semicolon following the word "bass", on line 7, Section 2, the following: "with a net or seine; or who between the first day of May and the first day of July of any year has in his possession any striped bass, taken, caught, or killed except with hook and line; or who between the first day of May and the first day of July of any year, buys, sells, or offers for sale, ships, offers for shipment, or receives for shipment or transportation any striped bass;"

Also:

By inserting after the word "pounds", in line 17, of Section 3 thereof, the following: "caught, taken, or killed in the waters of this State";

Also:

By striking out of Section 3, lines 17 and 18, the following: "or who at any time sells or offers for sale, any steel head trout,";

And:

On page 4, Section 4, after line 42, insert the following:

SEC. 5. Section 636 of the Penal Code of the State of California is hereby amended to read as follows:

636. Every person who shall cast, extend, or use any seine, or net of any kind, for the catching of any fish in any river, stream, or slough of this State, which shall extend more than two thirds across the width of said river, stream, or slough at the time and place of such fishing; every person who shall cast, extend, or use, or continue, or who shall assist in casting, extending, using, or continuing, "Chinese shrimp or bag net," or a net of similar character, for the catching of fish in the waters of this State; every person who shall cast, extend, set, use, or continue, or have in his possession, or who shall assist in casting, extending, or using "Chinese sturgeon lines," set-lines, or lines of a similar character; every person who shall set, use or continue, or shall assist in setting, using, or continuing, any pound, weir, set-net, set-line, trap, or any other fixed or permanent contrivance for catching fish in the waters of this State—and every net shall be considered a set-net that is secured in any way and not free to drift with the current or tide—is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the fish commission fund.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 763, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

On motion of Senator Curtin, Senate Bill No. 314 was temporarily passed on file, to retain its place.

Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271a, authorizing board of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 931 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burrast, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 932 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

On motion of Senator Birdsall, Senate Bill No. 732 was temporarily passed on file, to retain its place.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

On motion of Senator Birdsall, Senate Bill No. 733 was temporarily passed on file, to retain its place.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may par-

icipate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

On motion of Senator Wright, Senate Bill No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such Penal Code two new sections, to be numbered Section 626*n* and Section 626*o*, relating to the protection and preservation of game and fish.

On motion of Senator Willis, Senate Bill No. 904 was temporarily passed on file, to retain its place.

Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strabridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Caminetti, Senate Bill No. 742 was temporarily passed on file, to retain its place.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Boynton moved that the vote whereby Senate Bill No. 58 was passed be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Boynton moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 58 was passed, be made a special order for Friday, February 26, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 798—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Senate Bill No. 40—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Also: Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Also: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California; to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for loading and planting the grounds, and painting and repairing the buildings at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated machinery hall; fixing the requirements thereof, and making an appropriation therefor.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as agricultural pavilion and manufacturers pavilion.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 565—An Act fixing, establishing, and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 696—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Also: Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1882, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-fifth day of February, 1909, at eleven o'clock A. M.

STROBRIDGE, Chairman.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 4, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 61—An Act to provide four (4) additional judges of the Superior Court of the city and county of San Francisco, State of California, for the manner of their appointment, and for their compensation.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out all of the bill after the enacting clause, and insert in lieu thereof the following:

SECTION 1. Section 67 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

67. In the city and county of San Francisco there shall be sixteen judges of the Superior Court, any one or more of whom may hold court, and there may be as many sessions of the said court at the same time as there are judges thereof. The said judges shall choose from their own number a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by the vote of any nine of them. The presiding judge shall distribute the business of the court among the judges thereof and prescribe the order of business and perform such other duties as the judges of said court may by rule provide. The judgments, orders and proceedings of any session of the Superior Court held by any one or more of the judges of said court shall be equally as effective as if all of said judges of said court presided at such session.

Within thirty days after this Act becomes a law, the Governor shall appoint four judges of the Superior Court in the city and county of San Francisco, in addition to the twelve Superior Court judges already provided for by law in and for said city and county of San Francisco, State of California, who shall hold office until the first day of January, 1911. At the next general election to be held in November, A. D. 1910, four additional judges of the Superior Court shall be elected in the city and county of San Francisco, who shall be successors of the judges appointed hereunder for the term prescribed by the Constitution and by law. The salaries of the said additional judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the Superior Court in and for the city and county of San Francisco as now authorized by law.

Sec. 2. This Act shall take effect immediately.

Amendment adopted.

And:

Amend the title of the Act by striking out all of the title and inserting in lieu thereof the following: "An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the period after the word Code, in line 2 thereof, and by inserting in lieu thereof the following: "relating to salaries and fees of officers of counties of the forty-eighth class".

Amendment adopted.

And:

On page 1, line 3, of the printed bill, strike out the word "section".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

On motion of Senator Welch, Assembly Bill No. 191 was temporarily passed on file, to retain its place.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 40334, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

On motion of Senator Welch, Assembly Bill No. 193 was temporarily passed on file, to retain its place.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining its duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the port of Wilmington, and bay at San Pedro," approved March 19, 1889.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 227—An Act to add a new section to the Political Code, relating to the advertising of amendments to the Constitution.

Ordered on file without reference.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Hare, Hurd, Kennedy, Leavitt, Miller, Reily, Roseberry, Rush, Savage, Thompson, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 8—An Act to amend sections two hundred and seventy, two hundred and seventy-one, and two hundred and seventy-one *a* of the Penal Code of the State of California, all relating to crimes against children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 finally passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Cullen, Hare, Holohan, Kennedy, Leavitt, Lewis, Miller, Price, Reily, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 31 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and thirty-two minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and thirty-four minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and forty minutes P. M., Senator Wright was brought to the bar of the Senate, and, on motion of Senator Miller, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 573 was finally passed by the following vote:

AYES—Senators Anthony, Bills, Black, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reilly, Roseberry, Rush, Sanford, Savage, Strobbridge, Welch, Willis, and Wright—25.

NOES—Senators Bell, Birdsall, Boynton, Burnett, Cartwright, Hurd, Miller, Thompson, Walker, Weed, and Wolfe—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Willis gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 573 was this day finally passed.

LEAVE OF ABSENCE.

Senator Wright was, on his own motion, granted leave of absence for this day.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General, A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

On motion of Senator Boynton, Assembly Bill No. 377 was temporarily passed on file, to retain its place.

Senate Bill No. 751—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the board of harbor commissioners of the port of Eureka.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 751 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cannetti, Campbell, Cartwright, Curtin, Cutton, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—31.

NOES—None.

During the reading of the title the following amendment to the title was offered:

By Senator Cutton:

Amend title by striking out period after the word "Eureka", on line 7 thereof, and inserting a comma, and the following words: "and authorizing said board, with the consent of the Attorney General, to employ from time to time, an attorney."

Amendment adopted.

Title read and approved as amended.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 1059—An Act pertaining to the establishment of a uniform system of county and township governments, and amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cannetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 655—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers, and duties of the Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 655 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 935—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors, and witnesses in counties of the thirty-ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 935 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Catten, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—31.

NOTES—None.

During the reading of the title, the following amendment to the title was offered:

By Senator Curtin:

Amend the title by striking out the words "and witnesses", and striking out the comma between the words "officers" and "jurors", and inserting the word "and".

Amendment adopted.

Title read and approved as amended.

Bill ordered to print, and transmitted to the Assembly.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671b, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Hare, Hartman, Helehan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—31.

NOTES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Anthony gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 284 was this day finally passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Walker as a special committee of one to amend, as follows:

On page 1, line 1, of the printed bill, at the beginning of the line insert the words: "SECTION 1."

And:

On page 1, line 3, of the printed bill, strike out the word "Section" before the number "1533".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 631, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Walker, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. W. H. Rogers of San Jose.

THIRD READING OF ASSEMBLY BILLS — (RESUMED).

Assembly Bill No. 934—An Act to amend an Act entitled "An Act to continue in force school teachers' certificates, State educational diplomas, and life diplomas," approved February 5, 1880.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 934 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 607—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics, and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Hare, Holohan, Kennedy, Leavitt,

Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to adopt the Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17, the same was taken up for consideration.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS. 6, 7, 11, AND 17.

WHEREAS, The progress, happiness, and prosperity of the people of a nation depend upon a homogeneous population;

WHEREAS, The influx from overpopulated nations of Asia of people who are unsuited for American citizenship or for assimilation with the Caucasian race, has resulted and will result in lowering the American standard of life and the dignity and wage-earning capacity of American labor;

WHEREAS, The exclusion of Chinese laborers under the existing exclusion laws of the United States has tended to preserve the economic and social welfare of the people;

WHEREAS, We view with alarm any proposed repeal of such exclusion laws and the substituting thereof of general laws;

WHEREAS, The interest of California can best be safeguarded by the retention of said exclusion laws, and by extending their terms and provisions to other Asiatic people;

WHEREAS, The people of the Eastern States, and the United States generally, have an erroneous impression as to the real sentiment of the people of the Pacific coast relative to the Asiatic question;

WHEREAS, We think it right and proper that the people of this country should be advised as to our true position on that question; therefore, be it

Resolved, by the Senate and Assembly jointly, That we respectfully urge the Congress of the United States to maintain intact the present Chinese exclusion laws and instead of taking any action looking to the repeal of said exclusion laws, to extend the terms and provisions thereof so as to apply to and include all Asiatics;

Resolved, That our Senators be instructed and Representatives in Congress requested to use all honorable means to carry out the foregoing recommendation and requests;

Resolved, That a certified copy of these resolutions be transmitted to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress by the Secretary of the Senate.

Substitute read.

The question being upon the adoption of the committee substitute.

The roll was called, and the Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Rush, Sanford, Savage, Walker, Welch, and Wolfe—28.

NOES—Senators Bell, Price, Roseberry, Stetson, Thompson, Weed, and Willis—7.

The following amendment to Committee Substitute to Senate Joint Resolutions Nos. 6, 7, 11, and 17 was offered:

By Senator Burnett:

Amend by striking out the last resolution in Senate committee substitute, and insert in lieu thereof the following:

Resolved, That the Governor of California be, and he is, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Amendment unanimously adopted.

Committee Substitute for Senate Joint Resolutions No. 6, 7, 11, and 17 ordered to print and engrossment.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Savage, Assembly Bill No. 428 was ordered withdrawn from the file and re-referred to Committee on Commerce and Navigation.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Holoan asked for and was granted unanimous consent to have Senate Bill No. 455 taken up out of order for the purpose of amendment.

Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and terms of office.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Holoan moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 2, line 21, after the word "trees" the words "in any State park".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 455, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Stetson asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 14 taken up for consideration out of order for the purpose of amendment.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties.

The Legislature of the State of California at its regular session, commencing on the 4th day of January, A. D. in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section three of article eleven of the Constitution of the State of California be amended so as to read as follows:

SEC. 3. The Legislature by general and uniform law, may provide for the formation of new counties: *provided, however,* that no new county shall be established which will reduce any county to a population of less than eight thousand, nor shall a new county be formed containing a population of less than five thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided; *and further provided,* that the Legislature may, without regard to anything herein contained, provide by general and uniform laws for the formation into a consolidated city and county government of any part of a county or counties comprising contiguous municipal corporations, with or without the lands adjacent to said

corporations or any of them, and not embraced within the limits of a municipal corporation. No such consolidated city and county shall be formed unless the territory included therein shall have a population of not less than 250,000 and an assessed valuation of not less than one hundred and twenty-five million dollars. Nor shall such consolidation be had unless three fifths of the qualified electors of each municipal corporation affected, and of any land adjacent thereto, proposed to be included, voting separately at an election called for that purpose, shall approve such consolidation.

Every municipality so consolidated shall comprise at least one ward of such consolidated city and county, and it shall be competent for the Legislature to provide by such general and uniform law local exercise by wards or combinations of wards of such police and other powers as the Legislature shall determine to be proper.

Every county and city and county enlarged or created from any other county or counties shall be liable for its just proportion of the existing debts and liabilities of the county or counties from which it shall be taken.

During the reading of the Senate constitutional amendment the following amendment was offered:

By Senator Stetson:

Amend as follows:

On page 2, line 33, after the word "law", insert the following: "for".

Amendment adopted.

And:

On line 24 strike out the figures "250,000", and insert in lieu thereof the following: "225,000".

Amendment adopted.

Senate Constitutional Amendment No. 14 ordered to print, reingrossment, and on file.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 14.

SPECIAL ORDER SET.

Senator Stetson moved that the consideration of Senate Constitutional Amendment No. 14 be made a special order for Tuesday, March 2, 1909, immediately after the reading of the Journal.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 1061—An Act to authorize and empower the Board of Managers of the Agnews State Hospital to sell and convey a portion of real property situated in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company—have had the same under consideration, and respectfully report the same back, with amendments, with the recommendation that it do pass as amended.

PRICE, Chairman.

Senate Bill No. 1061 ordered on file second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Cutten, the following messages from the Assembly were taken up and read, out of order:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; pro-

viding for detention homes for said children; providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

Senate Bill No. 778—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts

And respectfully ask that the amendments be concurred in.

CITO LLOYD, Chief Clerk of the Assembly.

By LEO PREISKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 21?"

On page 1, line 4, of the title of said bill, strike out the words "Trial and".

Also:

On page 8, Section 101, lines 2 and 3, strike out the words "forty-first, forty-third, forty-sixth, fifty-second, fifty-third and fifty-fifth", and insert in lieu thereof the following: "forty-second, forty-third, forty-fifth, forty-sixth, forty-seventh, fifty-second and fifty-third".

Also:

On page 9, Section 14, line 8, strike out the word "favorable", and insert in lieu thereof the following: "favorably".

Also:

On page 9, Section 15, line 3, strike out the word "his", and insert in lieu thereof the following "the".

Also:

On page 13, Section 18, line 16, between the word "declared" and the word "delinquent" insert "a".

Also:

On page 14, Section 29, line 15, strike out the word "this", and insert in lieu thereof the following: "said".

And:

Amend by striking out of Section 10m, line 3, the figures "80", and inserting in lieu thereof the following: "35".

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 21 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 195?"

In line 2, of title, of the printed bill, strike out the comma and quotation marks after the word "children", and insert in lieu thereof the following: "and providing penalties for violation of the Act".

Also:

In Section 1, line 12, of the printed bill, strike out the comma and quotation marks after the word "children", and insert in lieu thereof the following: "and providing penalties for violation of the Act".

Also:

In Section 1, line 13, of the printed bill, insert after the word "school" the word "district".

And:

In Section 1, line 13, of the printed bill, insert after the word "county" the word "city".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 195 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Leavitt, Lewis, Miller, Price, Reilly, Roseberry, Rush, Savage, Strobidge, Thompson, Walker, Weed, Welch, and Wolfe—25.

NOES—None.

Senate Bill No. 195 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 632?"

Amend by striking out of Section 1, in the printed bill, all of line 10, and the following words in line 11: "the commission of any public offense defined in this Act."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 632 by the following vote:

AYES—Senators Anthony, Beil, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Kennedy, Leavitt, Lewis, Miller Price, Reily, Roseberry, Rush, Savage, Strobbridge, Walker, and Wolfe—21.

NOES—None.

Senate Bill No. 632 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 649?"

Amend by striking out all the words after the word "consisting", in line 37, all the words in line 38, and to and including the word "Governor," in line 39, Section 1, page 2, of the printed bill, and insert in place thereof, the following: "of three persons who shall be owners of orchard or vineyard property, or actively engaged in horticultural or viticultural production, or educated and trained in horticultural or viticultural science."

Also:

Amend by striking out all of the words on line 42, of Section 1, page 2, of the printed bill, after the period following the word "commissioner," and all the words thereafter to and including the word "created", on line 45 thereof, and by inserting in lieu thereof the following: "Said board of examiners shall be appointed by the Governor and shall hold office for the term of four years and until successors are appointed and qualified. Vacancies in said board of examiners shall be filled by appointment by the Governor, the appointee to hold for the remainder of the unexpired term. Said board shall appoint one of their number treasurer, who shall receive all money collected by or for the board, and disburse the same only in payment of the actual necessary expenses of said board for traveling, printing, postage, and other incidental matters. Said board shall biennially report to the Governor a detailed statement of their receipts and disbursements."

Also:

Amend by striking out of line 50, Section 1, page 2, of the printed bill, the word "posting", and insert in lieu thereof the word "posting".

Also:

Amend by striking out in line 54, Section 1, page 3, of the printed bill, everything after the period to the end of the line, and the word "after" in line 55, and insert in lieu thereof the following: "Said examination shall be in writing, and the board of horticultural examiners may appoint one of their own number, or some other reliable and competent person, to supervise the taking of such examination in each county, and forward the papers of each applicant to the board for consideration. Each applicant for examination shall before taking the examination be required to pay a fee of five dollars therefor, which shall be delivered to the person supervising the examination, and by him transmitted to the treasurer of said board within twenty days after the examination is held."

Also:

Amend by striking out of line 78, Section 1, page 3, of the printed bill, the word "commissioners", and insert in lieu thereof the word "examiners".

Also:

Amend by striking out of line 85, Section 1, page 3, of the printed bill, the period, and insert in lieu thereof a semicolon, and after the semicolon, the following: "provided, that all boards of horticulture existing at the time of the passage of this Act shall continue in office, with full power as heretofore existing until the election or appointment to succeed them of a county horticultural commissioner under the provisions of this Act."

Also:

Amend by inserting in line 13, Section 2, page 4, of the printed bill, after the word "shall" the words "in writing".

Also:

Amend by striking out in line 19, Section 2, page 4, of the printed bill, the words "that he shall".

Also:

Amend by striking out of line 30, Section 2, page 4, of the printed bill, the words "or they may be served".

Also:

Amend by striking out of line 31, Section 2, page 4, of the printed bill, the period and the word "Wherever", and insert in lieu thereof a semicolon, and after the semicolon the words "provided, however, that if".

Also:

Amend by striking out of line 34, Section 2, page 4, of the printed bill, the word "where".

Also:

Amend by striking out of line 36, Section 2, page 5, of the printed bill, the word "where", and insert in lieu thereof the word "if".

Also:

Amend by striking out everything from and including the word "jurisdiction", in line 48, Section 2, page 5, of the printed bill, to and including the word "specified", in line 54 thereof, and insert in lieu thereof the following: "county, and the proper notice thereof shall have been served, as herein provided, and such nuisance shall not have been abated within the time specified in such notice".

Also:

Amend by striking out the period in line 6, Section 3, page 6, of the printed bill, and insert in lieu thereof a comma, and after the comma the following: "and may with the consent and approval of the board of supervisors, appoint two deputy horticultural commissioners from the list of names certified to the board of supervisors by the State Board of Horticultural Examiners".

Also:

Amend by inserting after the period in line 5, Section 5, page 7, of the printed bill, the words: "the deputy commissioners shall receive five dollars per day each, during the time actually employed as such officers."

And:

Amend by inserting in line 7, Section 6, page 7, of the printed bill, after the word "his" the words "deputies and".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 649 by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Campbell, Cotten, Finn, Hare, Hurd, Kennedy, Leavitt, Miller, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Senate Bill No. 649 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 778?"

After the word "to", where it first occurs in line 15, of Section 1, of the printed bill, insert the words "each United States Senator and".

And:

Strike out from the word "and", where it last occurs in line 11, of Section 2, page 2, of the printed bill, down to the word "copy", in line 13, of Section 2, page 2, of the printed bill, both inclusive.

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 778 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands, and costs and attorney's fees in such proceedings.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Senate Bills Nos. 735, 235, and 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Senate Bill No. 1235 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 328—An Act to provide for work upon and the construction of sidewalks and curbing within municipalities.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 192?"

Amend by striking out in Section 4, line 5, page 2, of printed bill, after the word "in" the words "a city", and insert in lieu thereof the following word: "cities".

Also:

Amend by inserting in Section 4, line 5, page 2, of printed bill, after the word "first" the following: "first and one half".

And:

Amend by striking out of Section 4, line 5, page 2, of printed bill, after the word "second" the word "class", and insert in lieu thereof the following word: "classes".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 192 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cutton, Hurd, Kennedy, Leavitt, Lewis, Miller, Reily, Rush, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Welch, and Wolfe—25.

NOES—None.

Senate Bill No. 192 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 328?"

Amend the title so that it shall read as follows: "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities."

Also:

In Section 6 after the word "sidewalk," in line 5, strike out the word "be" and insert the word "is".

Also:

In Section 11, line 2, strike out the word "warrants", and insert the word "warrant".

And:

Renumber "Sec. 19" by calling it "Sec. 20", and insert a new section after "Sec. 18", to be known as "Sec. 19", and which shall read as follows:

"SEC. 19. Whenever in the opinion of the city council it shall be convenient or proper so to do, said city council may in its discretion include under any proceedings taken under this Act the construction of curbing as well as the construction of sidewalks, or the city council may provide for the construction of curbing without the construction of sidewalks; and all the provisions of this Act whenever the city council shall elect to proceed thereunder to provide for the construction of curbing shall apply as fully to all such proceedings and to the work done thereunder, and to the assessments made for the expense of the work, and to the lien therefor as fully as if this Act specifically and particularly related in each instance to the construction of curbing. As to the construction of curbing within municipalities this Act shall be construed as a new, distinct and independent method of procedure and assessment from any provided in any Act or Acts in force at the time this Act shall take effect, which method of procedure and assessment so provided by this Act may as to the construction of curbing be followed by the city council if it elects so to do. Nothing in this Act, however, shall be construed as preventing the construction of curbing and the levy and collection of assessments for the expense thereof under the provisions of "An Act to provide for work upon streets, lanes, alleys, places, courts, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and the several Acts amendatory thereof and supplemental thereto."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 328 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cannetti, Campbell, Kennedy, Leavitt, Lewis, Miller, Reily, Rush, Savage, Stetson, Ströbridge, Walker, Weed, Welch, and Wolfe—23.

NOES—None.

Senate Bill No. 328 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 694?"

In line 23, page 2, of the printed bill, strike out the word "eighteen", and insert in lieu thereof the word "twelve".

Also:

Strike out all of lines 26, 27, and 28, on page 2, of the printed bill.

And:

Strike out all of line 45, page 2, of the printed bill, and all of each and every line thereafter, down to and including line 121, on page 4, of the printed bill, and insert in lieu thereof the following:

"In townships having a population of 10,000, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;

"In townships having a population of 6,000, or more, and less than 10,000, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

"In townships having a population of 2,185, or more, and less than 6,000, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 1,770, or more, and less than 2,190, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month;

"In townships having a population of 1,600, or more, and less than 1,770, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

"In townships having a population of 1,420, or more, and less than 1,600, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 1,315, or more, and less than 1,440, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 1,290, or more, and less than 1,315, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

"In townships having a population of 1,280, or more, and less than 1,300, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

"In townships having a population of 1,045, or more, and less than 1,280, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 910, or more, and less than 1,045, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

"In townships having a population of 675, or more, and less than 925, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

"In townships having a population of 545, or more, and less than 675, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

"In townships having a population of 260, or more, and less than 545, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of ten dollars per month;

"In townships having a population of 155, or more, and less than 260, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of fifteen dollars per month.

"The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expenses of such transportation;

"*And provided further*, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business.

"Said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

"And provided further, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five.

"The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of same funds, that county officers are paid.

"This Act shall be in full force and effect from and after its passage."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 694 by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutton, Hurd, Kennedy, Leavitt, Lewis, Miller, Reily, Rush, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—23.

NOES—None.

Senate Bill No. 694 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly this day passed Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 231—An Act to amend Chapter 11, Title IV of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Also: Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code to be known as Section 1616a.

Also: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Also: Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine and thirteen of said Act.

Also: Assembly Bill No. 754—An Act to amend an Act entitled an Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof.

Also: Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Committee Substitute for Assembly Bill No. 1023—An Act to amend Sections 15, 16, 16a, 16c, 16d, 16e, 19, 20, and 28, and to repeal Sections 17, 18, 21, 24, 25, 27, and 29, and to add a new section thereto, to be numbered Section 17, and to renumber the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907; all relating to commitments to, and paroles and discharges from, the said Whittier State School.

Also: Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof.

Also: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO FREISKER, Assistant Clerk.

Assembly Bills Nos. 94, 95, 231, 259, 436, 437, 754, 809, 1034, 845, and Committee Substitute for Assembly Bill No. 1023, read first time.

Assembly Bills Nos. 94 and 95 ordered referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 231, 436, 437, 754, and 845 ordered referred to Committee on Judiciary.

Assembly Bill No. 259 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 809 and 1034 ordered referred to Committee on Finance.

Committee Substitute for Assembly Bill No. 1023 ordered referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 243—An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one *a*, relating to the law library fund.

Also: Senate Bill No. 351—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Also: Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Also: Assembly Bill No. 443—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom, for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending section three thereof.

Also: Assembly Bill No. 656—An Act to Amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905.

Also: Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Also: Assembly Bill No. 706—An Act to add a new section to the Penal Code, to be numbered 626*a*, to prohibit the hunting of ducks in motor boats.

Also: Assembly Bill No. 729—An Act to add a new section to the Code of Civil Procedure, to be known as section fifty-three *a* (53*a*), relating to rehearings in the Supreme and Appellate Courts.

Also: Assembly Bill No. 770—An Act to amend section four hundred and thirty-five of the Political Code, relating to the duties of the State Controller.

Also: Assembly Bill No. 772—An Act to amend an Act approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Also: Assembly Bill No. 800—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Assembly Bill No. 87—An Act authorizing any incorporated town, city or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Also: Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No. 1, and providing for the control and management thereof.

Also: Assembly Bill No. 948—An Act to regulate the taking of crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and in the Eel River, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code relating to the itemizing of claims against a county.

Also: Assembly Bill No. 996—An Act to add a new section to the Penal Code to be numbered four hundred and ninety-nine c, relating to the taking, driving, running, driving, or using of an automobile or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

Also: Assembly Bill No. 1002—An Act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions.

Also: Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Also: Assembly Bill No. 1035—An Act to add a new section to the Penal Code to be numbered 626a, to prohibit the hunting of ducks in sneak, or seuff boats.

Also: Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants and prescribing their powers and duties.

Also: Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and redemption payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Also: Assembly Bill No. 1121—An Act to amend an Act entitled "An Act to prevent the sale of dairy products from unhealthy animals, and provide for under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," approved March 26, 1905, by amending Section 7 thereof, relating to the duties of the State Dairy Bureau, and the appointment and qualifications of assistant agents as inspectors.

Also: Assembly Bill No. 28—An Act to amend the title of and Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Also: Adopted Assembly Constitutional Amendment No. 3—Resolution proposing to amend Section 1, Article XVIII, of the Constitution, so as to submit amendments at special elections.

CLIO LLOYD, Chief Clerk of the Assembly
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 243, 354, 450, and 814 ordered to enrollment.

Assembly Bills Nos. 163, 242, 443, 656, 671, 706, 729, 770, 772, 786, 790, 800, 827, 919, 948, 984, 985, 996, 1002, 1031, 1035, 1051, 1119, 1124, and 28 read first time.

Assembly Bills Nos. 163 and 242 ordered referred to Committee on Finance.

Assembly Bills Nos. 443, 706, 1035, 1051, and 948 ordered referred to Committee on Fish and Game.

Assembly Bill No. 656 ordered referred to Committee on Commerce and Navigation.

Assembly Bill No. 671 ordered referred to Committee on Education.

Assembly Bills Nos. 729, 770, 786, 790, 800, 985, 996, 1002, 1031, and Assembly Constitutional Amendment No. 3 ordered referred to Committee on Judiciary.

Senate Bill No. 772 ordered referred to Committee on Banking.

Assembly Bill No. 827 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 919 and 1119 ordered referred to Committee on Drainage, Swamp, and Overflowed Lands.

Assembly Bill No. 1124 ordered referred to Committee on Agriculture and Dairying.

Assembly Bill No. 28 ordered referred to Committee on Public Health and Quarantine.

ADJOURNMENT.

At four o'clock and thirty-seven minutes p. m., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 26, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 25, 1909, the further reading was dispensed with, on motion of Senator Willis.

LEAVES OF ABSENCE.

Senator Stetson was, on motion of Senator Strobridge, granted leave of absence for this day.

Senator McCartney was, on motion of Senator Miller, granted leave of absence until Monday, March 1, 1909.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to ex-Assemblyman J. L. Coyle of Siskiyou County.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the further consideration of Senate Constitutional Amendment No. 1 be made a special order for Tuesday, March 2, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Anthony moved that the vote whereby Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purpose was finally passed—be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Miller, Reilly, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671*b*, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Birdsall moved to refer to Senator Anthony as a special committee of one to amend, as follows:

By striking out line 3, of the title, after the word "county", the word "high", and inserting in lieu thereof the word "Secondary".

Also:

On page 2, Section 1, of the printed bill, after the word "county", at the end of line 20, insert the following: "Secondary school improvement fund, and shall be drawn".

And:

On page 2, Section 1, of the printed bill, strike out the whole of line 22, where it appears the first time.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 284, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANTHONY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At ten o'clock and fifteen minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Willis moved that the vote whereby Assembly Bill No. 573—An Act to amend Section 161*a* of the Penal Code of California, relating to falsely advertising as an attorney—was finally passed be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Senate Bill No. 1168 withdrawn, and ordered stricken from the file.

REPORTS OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following reports of special committee were received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Boynton—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant-Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully recommend that the Constitution be suspended, and the Senator be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Boynton be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Boynton: Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of United States Army, and printed with the annual report of the Chief of Engineers of United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Boynton, the Secretary was directed to issue a rush order for printing Senate Bill No. 1239.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Price—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, Cal.—have had the same under consideration, and respectfully recommend that the Constitution be suspended and the Senator be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three-fourths of the members thereof, be complied with, and that Senator Price be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Walker, Weed, Wolfe, and Wright—34.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Price: Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read first time, and referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hartman:

Resolved, That a committee be appointed to investigate the Islais Creek bill, relative to money being used in the Senate.

Resolution read, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Also: Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

Also: Senate Bill No. 1088—An Act to amend section five and section ten of an Act entitled "to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of

innavigable streams, and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.

Also: Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

Also: Assembly Bill No. 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

Also: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under orders of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss, or destruction of public records.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 1088, 1087, and 651 ordered on file for second reading.

Assembly Bills Nos. 723, 726, and 846 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States and vesting the title of the State to such surveyed school sections in the United States.

Also: Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Also: Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 1134 and 1232 ordered on file for second reading.

Assembly Bill No. 576 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

WILLIS, Chairman.

Senate Bill No. 1216 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgage of thing insured.

Also: Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Senate Bill No. 746—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued, and by whom signed.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be referred to Committee on Corporations.

WILLIS, Chairman.

Senate Bills Nos. 744, 745, and 746 ordered referred to Committee on Corporations.

ON FINANCE.

SENATE CHAMBER SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 925—An Act to appropriate money for the payment of the claim of G. W. Bush.

Also: Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

Also Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 925 and 1104 ordered on file for second reading.

Assembly Bill No. 1160 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

And: Senate Bill No. 1149—An Act to amend an Act entitled "An Act providing for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes and for the payment by taxation upon the property situated in such reclamation districts" approved March 27, 1895, by amending Sections 1, 2, 3, 4, 5, and 7.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass, and be referred to the Committee on Judiciary.

WALKER, Chairman.

Senate Bills Nos. 1148 and 1149 ordered referred to Committee on Judiciary.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Also: Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

ROSEBERRY, Chairman.

Senate Bills Nos. 1146 and 525 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 10—An Act relating to high schools and providing for their support by the State of California—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the substitute do pass.

BLACK, Chairman.

Senate Bill No. 10 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages or salaries by employees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Senate Bill No. 1043 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

REILY, Chairman.

Senate Bill No. 363 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 8—Relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to provide for an increased appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Assembly Joint Resolution No. 8 ordered on file.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wright, the following message from the Assembly was taken up and read, out of order:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

Also: Passed Assembly Bill No. 388—An Act to provide for the erection of a training-school building for the use of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Also: Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Also: Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 388, 722, 938, and 1007 read first time.

Assembly Bill No. 388 ordered referred to Committee on Finance.

Assembly Bill No. 722 ordered on file for second reading, without reference to committee.

Assembly Bill No. 938 ordered referred to Committee on Education.

Assembly Bill No. 1007 ordered referred to Committee on County Government.

Assembly Concurrent Resolution No. 12 ordered referred to Committee on Municipal Corporations.

Senate Bills Nos. 239 and 712 ordered to enrollment.

MOTION.

Senator Wright moved that, for this day, each Senator be permitted to take up one Senate bill for consideration out of order.

The motion was duly seconded, and unanimously carried.

CONSIDERATION OF SENATE BILLS—(OUT OF ORDER).

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, approved March 23, 1901, by amending Sections 12 and 13.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

In Section 1, line 1, strike out all after the word "of", and insert in lieu thereof: "An Act entitled 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' providing penalties for the violation hereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 17, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Black as a special committee of one to amend, as follows:

By inserting in Section 1, line 19, after the word "cars", the following "if the application be for cars for the transportation of perishable freight the number of cars applied for shall be furnished within forty-eight hours".

Also:

Insert on page 2, Section 1, line 29, after the word "cars", the following: "all cars supplied in compliance with the provisions of this section shall be suitable for the purpose for which they are ordered".

And:

On page 2, Section 1, line 16, after the word and semicolon "days," insert the following: "provided if the application be for ten cars, and less than fifty cars the same shall be furnished in ten days".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 185, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such Penal Code two new sections to be numbered Section 626*n* and Section 626*o*, relating to the protection and preservation of game and fish.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Willis as a special committee of one to amend, as follows:

On page 2, Section 4, line 3, after the word "time" insert the words "between one half hour".

And

On page 2, Section 4, line 4, after the word "and", insert the words "one half hour".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 904, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 1056—An Act to amend Section 4339 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Estudillo as a special committee of one to amend, as follows:

By striking out of Section 1, line 15, the word "five", and insert "two".

Also:

On page 2, line 28, strike out word "five", and insert word "two".

Also:

On page 2, line 40, strike out word "five", and insert word "two".

Also:

On page 2, line 47, strike out word "five", and insert word "two".

Also:

On page 3, line 63, strike out word "five", and insert word "two".

Also:

On page 3, line 91, strike out word "eight", and insert in lieu thereof the word "five".

And:

On page 5, line 143, strike out word "five", and insert word "two".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1056, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Roseberry moved to refer to Senator Birdsall as a special committee of one to amend, as follows:

By striking out of Section 1, subdivision 7, page 3, lines 55 and 56, the words "for a period of four months during each fiscal year", and inserting in lieu thereof the following: "one for a period of six months during each fiscal year, and one for a period of four months during each fiscal year".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 944, with instructions to amend, respectfully, reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

SENATE CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws, and amendments to the California the power to propose legislation, laws, and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature.

The Legislature of the State of California at its regular session, commencing on the 4th day of January, 1909, two thirds of all the members voting in favor thereof, hereby proposes that section one of article four of the Constitution of the State of California be amended so as to read as follows:

ARTICLE IV.

Section 1. (a) The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, but the people reserve to themselves the power to propose by petition laws, statutes, and amendments to the Constitution and to adopt or to reject the same at the polls, independent of the Legislature. The Legislature may enact laws and statutes and propose amendments as elsewhere provided in this Constitution.

(b) Upon the presentation to the Secretary of State of a petition signed by qualified electors of the State, as many in number as eight per cent of all the votes cast for Governor at the then last election for Governor, proposing a law, statute or an amendment to the Constitution, set forth in full in said petition, the Secretary of State must submit the said proposed law, statute or amendment to the electors at

the next succeeding general election occurring subsequent to ninety days after the presentation of said petition. In all matters pertaining to the submission, and the adoption or the rejection of the same, the Secretary of State and all other officers shall be guided by the general laws, particularly those applicable to constitutional amendments, until legislation shall be especially provided therefor. If the number of electors voting in favor of any proposed measure exceed the number voting against it, the proposed measure thereby becomes adopted and in full force and effect.

(c) Any such petition may be presented in sections. Each section must contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number, if such exist, or such description of the place of his residence as will enable its location to be ascertained. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the State shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported signer thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

(d) Several petitions may be presented proposing measures to be voted upon at the same election. If measures be simultaneously adopted which contain conflicting provisions, the provision contained in the measure receiving the highest affirmative vote shall prevail.

(e) A substantial compliance with the provisions of this section shall be sufficient for the proposal and adoption of any measure. This section is self-executing, but legislation may be enacted especially to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the power herein reserved.

(f) If petitions for the initiation of statutory law be filed with the Secretary of State not less than thirty days before any regular or special session of the Legislature, the Secretary of State shall transmit the same to the Legislature as soon as it convenes. Such initiative measures shall take precedence over all other measures in the Legislature excepting appropriation bills. The Legislature may enact any initiative measure, without change or amendment, but in all cases proposed amendments to the Constitution must be submitted to the electors for approval or rejection. If any such initiative measure shall be rejected by the Legislature, or no action be taken upon it by the Legislature within forty days from the date of its transmission, the Secretary of State shall submit it to the electors for approval or rejection at the next ensuing general election. The Legislature may reject any measure proposed by initiative petition, and propose a different one to accomplish the same purpose, but in such event both measures shall be submitted to the electors for their rejection or approval by the Secretary of State at the next ensuing general election. The veto power of the Governor shall not extend to measures adopted by direct vote of the people. A statute adopted by direct vote of the people can be repealed or amended only by direct vote of the people.

(g) If for any reason any measure proposed by petition as herein provided be not submitted at the next succeeding general election occurring ninety days after the presentation of said petition, such failure shall not prevent its submission at a succeeding general election, and no constitutional amendment or amendments or other measure proposed by the Legislature shall be submitted, except that at the same election there shall be submitted those measures proposed by petition of the electors, if any be so proposed as herein provided.

(h) The enacting clause of every law shall be as follows: "Be it enacted by the people of the State of California."

During the reading of the Senate constitutional amendment the following amendments were submitted by committee:

Strike out all parenthetical marks wherever found in the bill.

Amendment adopted.

And:

On page 1, Section 1, line 17, strike out the word "eight", and insert in lieu thereof the word "twelve".

Amendment adopted.

Senate Constitutional Amendment No. 6 ordered to print and engrossment.

Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

During second reading of bill, the following amendments were submitted by committee:

On page 1, after the enacting clause, insert the following:

"SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered Section 1046a, and to read as follows:

Amendment adopted.

Also:

On page 1, line 1, strike out the word "section".

Amendment adopted.

And:

On page 1, line 10, before the word "This", insert the following: "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby the electors of political parties may express their choice at such primary elections for United States Senator.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

Amend the title by striking out the word "and", after the word "parties", on line 10, of said title, and insert in lieu thereof a comma.

Also:

Strike out the comma after the word "platforms", on line 10 of said title, and insert in lieu thereof the following: "providing for conventions of political parties, and prescribing the manner of electing delegates thereto, and the nomination by political parties of candidates for presidential electors;"

Also:

On page 1, Section 1, line 6, of the amended bill, strike out the word "September", and insert in lieu thereof the word "August".

Also:

Strike out the word "September", where that word occurs, as follows: Page 1, Section 1, line 6, of the amended bill; on page 1, Section 1, line 7; on page 2, Section 2, line 1; on page 3, Section 3, lines 3 and 5; on page 3, Section 4, lines 2, 12, and 24; on page 4, Section 5, lines 4 and 7; on page 7, Section 5, line 122; on page 10, Section 10, line 1; on page 11, Section 12, lines 7 and 12; on page 15, Section 12, line 146; on page 16, Section 13, line 1; on page 22, Section 24, line 8; on page 23, Section 24, line 22; on page 24, Section 24, lines 53 and 59, and wherever in said amended printed bill the word "September" has been stricken out as aforesaid insert in lieu thereof the word "August".

Also:

On page 2, Section 2, line 11, of the amended bill, strike out the words "to the nomination of party candidates for presidential electors;"

Also:

On page 2, Section 2, line 20, of the amended bill, strike out the semicolon after the words "school district", and all of the remainder of the paragraph, and insert in lieu thereof a period.

Also:

On page 2, Section 3, line 2, of the amended bill, strike out the word "regular", and insert in lieu thereof the following: "legally designated".

Also:

On page 2, Section 3, line 2, of the amended bill, strike out the word "first", and insert in lieu thereof the word "third".

Also:

On page 3, Section 4, of the amended bill, line 28, strike out the words "and posting".

Also:

On page 4, Section 5, line 25, of the amended bill, strike out the words "the principles".

Also:

On page 6, Section 5, line 83, of the amended bill, after the word "office" insert the following: "For the purpose of such examination and comparison of affidavits, the duplicate affidavits of registration on file in the office of such county clerk or registrar of voters shall be deemed part of the Great Register".

Also:

On page 6, Section 5, line 89, of the amended bill, strike out the word "five", and insert in lieu thereof the word "ten".

Also:

On page 11, Section 10, line 16, of the amended bill, strike out the word "regular", and insert in lieu thereof the following: "legally designated".

Also:

On page 11, Section 12, line 14, of the amended bill, strike out the word "white", and insert in lieu thereof the word "official".

Also:

On page 13, line 55, of the amended bill, strike out the words "eight-point roman", and insert in lieu thereof the following: "ten-point gothic".

Also:

On page 13, Section 12, lines 57 and 61, strike out the quotation marks enclosing the paragraph.

Also:

On page 13, Section 12, line 61, after the word "purpose," insert the following: "To vote for delegates to conventions write or paste the name or names of the qualified elector or electors in the blank space, or spaces provided therefor."

Also:

On page 14, Section 12, line 101, of the amended bill, after the words "shall be" insert the word "grouped".

Also:

On page 15, Section 12, line 151, strike out the word "appointed", and insert in lieu thereof the word "apportioned".

Also:

On page 15, Section 12, line 153, of the amended bill, strike out the word "delegate", and insert in lieu thereof the word "delegates".

Also:

On page 15, Section 15, line 155, of the amended bill, strike out the word "appointments", and insert in lieu thereof the word "apportionment".

Also:

On page 15, Section 12, line 158, of the amended bill, strike out the word "the", being the next to the last word on said line, and insert in lieu thereof the word "a".

Also:

On page 16, Section 12, line 167, of the amended bill, strike out the word "ballot", and insert in lieu thereof the word "ballots".

Also:

Amended the official primary election ballot form in the manner following: "Arrange the names of all candidates for office alphabetically, according to surnames, under the appropriate titles."

Also:

In column 2 of the official primary election ballot form, just below the heavy and light lines or rules above the title "Members State Board of Equalization, First District. Vote for one", insert "Judge of the District Court of Appeal, First District. Vote for one", and just below this title insert three light lines or rules three eighths of an inch apart, conforming to the make-up of the ballot form, with voting squares at the right hand of each space three eighths of an inch square, and insert within the first space the name of "Anthony Brennan", and in the second space the name of "Peter Drew".

Also:

At the bottom of the fourth column of the official primary election ballot form strike out the last title, to wit: "County Committeeman. Vote for one", and insert in lieu of said title the following: "Delegates to County Convention. Vote for four", and add three spaces defined by light lines or rules three eighths of an inch apart, with voting squares to conform with the others in the election ballot form.

Also:

On page 17, Section 13, line 26, of the amended bill, strike out the figures "13", and insert in lieu thereof the figures "12".

Also:

On page 17, Section 13, line 38, of the amended bill, strike out the word "and" before the words "official primary".

Also:

On page 17, Section 13, line 42, of the amended bill, strike out the words "posted and".

Also:

On page 19, Section 19, line 6, of the amended bill, strike out the words "placed in the ballot box".

Also:

On page 21, Section 23, line 5, of the amended bill, after the word "election" strike out the word "and", and insert in lieu thereof a period, and capitalize the word "the", being the last word on said line 5.

Also:

On page 21, Section 23, line 10, of the amended bill, strike out the word "conventions".

Also:

On page 21, Section 23, line 11, of the amended bill, after the word "representation" insert the following: "When two or more delegates are to be elected from the same political subdivision, the elector receiving a plurality over the elector next in number of votes shall be declared elected, until as many delegates have been chosen as have been apportioned to such district, ward, or precinct".

Also:

On page 22, Section 24, lines 3 and 4, of the amended bill, strike out the words "a platform", and insert in lieu thereof the word "platforms".

Also:

On page 23, Section 24, after line 19, insert a new paragraph to read as follows: "In years when candidates for President and Vice-President of the United States are to be nominated, the state central committee of any political party shall issue a call for a state convention to be held in the month of May, for the purpose of electing delegates to the national convention to nominate candidates for President and Vice-President of the United States. Said call shall be filed with the Secretary of State at least fifty days before the date fixed for said state convention, and a copy thereof, signed by the chairman and secretary of the state central committee, shall be mailed to the chairman and secretary of each county committee of their respective parties within the State. The call for said convention shall fix the time and place for holding said state convention, together with a statement of the number of delegates entitled to seats therein, and the number of delegates apportioned to each county. The chairman and secretary of each county committee shall, within ten days after receipt of a copy of the call for the May state convention issued by the state central committee, issue a call for the assembling of a county convention, which county convention shall be composed of the delegates elected to the county convention at the last preceding August primary election. Such call shall be filed with the county clerk and a copy thereof mailed to each delegate within such county. The call issued by the county committee shall set forth the time and place for holding such county convention and the purposes of such convention, together with a statement of the number of delegates to the state convention to be chosen by said county convention.

Also:

On page 23, Section 24, line 27, of the amended bill, strike out the word "precinct", and insert in lieu thereof the word "subdivision".

Also:

On page 23, Section 24, line 32, strike out the words "in each precinct".

Also:

On page 23, Section 24, line 36, of the amended bill, strike out the word "election", and insert in lieu thereof the word "selection".

Also:

On page 24, Section 24, line 49, of the amended bill, strike out the word "printed", and insert in lieu thereof the words "written or pasted on the official primary ballot".

Also:

On page 24, Section 24, line 52, of the amended bill, strike out the word "convention" and comma, and all the remainder of the paragraph, and insert in lieu thereof a period.

Also:

On page 24, Section 24, lines 80 and 81, of the amended bill, strike out the words "as hereinafter provided", and insert in lieu thereof the following: "by the State

conventions of each political party, to consist of not less than three members from each congressional district, who shall hold office until a new state central committee shall have been selected".

Also:

On page 25, Section 27, line 2, of the amended bill, strike out the words "any justice of".

Also:

On page 25, Section 27, line 3, of the amended bill, strike out the words "judge of the".

Also:

On page 25, Section 27, lines 12 and 13, of the amended bill, after the word "such", on line 12, strike out the words "justice of the supreme court or judge of the superior".

And:

On page 28, Section 35, line 2, of the amended bill, strike out the word "July", and insert in lieu thereof the word "June".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 3, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Bill No. 3.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Senate Bill No. 132 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

On motion of Senator Savage, Senate Bill No. 448 was temporarily passed on file, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

On motion of Senator Savage, Senate Bill No. 553 was temporarily passed on file, to retain its place.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.

Senate Bill No. 103 temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric motor and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

On motion of Senator Estudillo, Senate Bill No. 507 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

On motion of Senator Estudillo, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Senate Bill No. 501 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Holohan, Hurd, Kennedy, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 558 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wolfe moved that, when the Senate resumes the consideration of the third-reading file from day to day, the Senate take up the consideration of the bill immediately following the last bill considered on the previous day.

The motion was duly seconded, and unanimously carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

On motion of Senator Campbell, Senate Bill No. 760 was temporarily passed on file, to retain its place.

Senate Bill No. 662—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747*a*, 747*b*, 747*c*, 747*d*, and 747*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurl, Kennedy, Leavitt, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurl, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Read third time.

On motion of Senator Burnett, Senate Bill No. 657 was temporarily passed on file, to retain its place.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274*a*, relating to phonographic reporter, his competency and compensation.

Read third time.

On motion of Senator Burnett, Senate Bill No. 658 was temporarily passed on file, to retain its place.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Burnett, Campbell, Curtin, Catten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 194—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Catten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

On motion of Senator Curtin, Senate Bill No. 314 was temporarily passed on file, to retain its place.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

On motion of Senator Birdsall, Senate Bill No. 733 was temporarily passed on file, to retain its place.

Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variation therefrom, excepting under certain stated conditions and restrictions.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

On motion of Senator Curtin, Senate Bill No. 266 was temporarily passed on file, to retain its place.

Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-eight minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and fifty-five minutes A. M., Senators Price, Willis, and Black were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 220 was refused passage by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Hare, Kennedy, Leavitt, Miller, Sanford, Walker, Willis, Wolfe, and Wright—15.

NOES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Weed, and Welch—23.

NOTICE OF MOTION TO RECONSIDER.

Senator Holohan gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 220 was this day refused passage.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Caminetti, Senate Bill No. 742 was temporarily passed on file, to retain its place.

Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 3085, relating to the use of text-books in the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 956 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Savage, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. H. L. Stoddard of San Francisco.

Also:

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Harry L. Titus of San Diego.

Also:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 524—An Act to provide for public cemetery districts.

Also: Senate Bill No. 47—An Act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured, and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons, and things; declaring places and things in violation

of this Act to be nuisances dangerous to health, and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Also: Senate Bill No. 217—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or incumbrancers.

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

Also: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

Also: Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

Also: Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code of the State of California, relating to trade-marks.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-sixth day of February, 1909, at twelve o'clock M.

STROBRIDGE, Chairman.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read out of order: •

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 452—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove, in Tulare County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendations that it be referred to the Committee on Finance, and that it do pass.

WELCH, Chairman.

Senate Bill No. 452 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 229—An Act to amend Section 637a of the Penal Code of the State of California, relating to the protection and preservation of birds—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Assembly Bill No. 229 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

WELCH, Chairman.

Assembly Constitutional Amendment No. 14 ordered on file.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-eight minutes p. m., on motion of Senator Wright, the hour of recess was extended fifteen minutes.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 964 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.

On motion of Senator Caminetti, Senate Bill No. 743 was temporarily passed on file, to retain its place.

Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532a, relating to spurious secret societies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 853 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property, and also to the resale thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 965 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Estudillo asked for and was granted unanimous consent to have Senate Bill No. 767 taken up for consideration, out of order, for the purpose of amendment.

Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Thompson as a special committee of one to amend, as follows:

In Section 4, line 30, of the amended bill, between the words "The" and "construction" insert "acquisition and".

Also:

In Section 8, line 1, after the word "constructed" insert the words "or acquired".

Also:

In line 34, Section 8, page 7, of amended bill, after word "constructed" insert the words "or acquired".

Also:

In line 17, Section 8, page 7, of amended bill, strike out word "all", and insert in lieu thereof the following: "With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this Act; all".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 767, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Thompson asked for and was granted unanimous consent to have Senate Bill No. 1082 taken up for consideration, out of order, for the purpose of amendment.

Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Hurd as a special committee of one to amend, as follows:

On page 1, of the printed bill, in line 4, after the word "kind" insert the following: "excepting improvements on the property of the State on the water front of the city and county of San Francisco under the jurisdiction of the Board of State Harbor Commissioners".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1082, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned until Monday, March 1, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, March 1, 1909.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

Quorum present.

PRAYER.

Prayer by the Chaplain. Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 26, 1909, the further reading was dispensed with, on motion of Senator Willis.

APPROVAL OF THE JOURNALS.

The Journals of Monday, February 15, Tuesday, February 16, Wednesday, February 17, Thursday, February 18, Friday, February 19, 1909, having been corrected, were read and approved.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. H. Segerstorn of Sonora.

Also:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Sheriff Yancy McFadden of San Luis Obispo County.

Also:

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Theodore A. Bell of Napa.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read out of order:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

Also: Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Also: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensations of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Senate Bills Nos. 1131 and 1091 ordered on file for second reading.

Assembly Bill No. 618 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Miller:

Resolved, That Assembly Bill No. 618 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section

requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Miller moved a call of the Senate.

Motion carried.

Time, eleven o'clock and twenty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Hartman, Hurd, Leavitt, Lewis, McCartney, Miller, Rush, Sanford, Savage, Thompson, Weed, Welch, Willis, Wolfe, and Wright—24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-five minutes A. M., Senators Bills, Holohan, Martinelli, and Roseberry were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and thirty-seven minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Section 15 of Article IV of the Constitution was suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 618—An Act to amend Sections 3921 and 3923 of the Political Code, relating to and defining the boundaries of Sierra and Nevada counties.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendments to Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—and has appointed as a committee on conference Assemblymen Johnson of Sacramento, Drew, and Transue, and respectfully ask your honorable body to appoint a like committee to confer with the said committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

COMMITTEE ON CONFERENCE.

Senator Sanford moved that a committee on conference be appointed to meet a similar committee of the Assembly, on Senate Joint Resolution No. 3.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. announced that he had appointed Senators Sanford, Black, and Cullen on the committee on conference on Senate Joint Resolution No. 3.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly Amendment No. 7 to Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Senate Bill No. 21 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 15—Relative to an appropriation for the fortification of San Pedro harbor, at San Pedro, Cal.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Concurrent Resolution No. 15 ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 31—An

Act to amend section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers—and respectfully ask your honorable body to recede from said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

The question being: "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 31?"

On page 1, Section 1, line 5, strike out all of Sections 1 and 2 after the word "unless", and insert in lieu thereof the following:

"1. It is accompanied by the affidavit of all the parties thereto that it is made in good faith and without any design to hinder, delay, or defraud creditors.

"2. It is acknowledged or proved, certified and recorded, in like manner as grants of real property.

"3. Such mortgage shall also be void as against any such purchasers, creditors or incumbrancers who take possession of such property, or acquire a lien of record or by process of court thereon prior to the recordation of such mortgage."

On motion of Senator Willis, further consideration of the question was postponed, and Assembly Bill No. 31 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of this State, by amending section three of article four thereof, relating to the election of Assemblymen.

Also: Passed Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Also: Assembly Bill No. 196—An Act to provide county library systems.

Also: Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Also: Assembly Bill No. 621—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School, by amending sections eight, eleven, sixteen, seventeen, eighteen, and twenty thereof.

Also: Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Also: Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Also: Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Also: Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Also: Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Also: Assembly Bill No. 1114—An Act to provide for the formation, organization, and government of storm water districts, for the purpose of protecting the land therein from damage from storm water, and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 177, 196, 254, 621, 622, 625, 955, 1075, 1114, and Committee Substitute for Assembly Bill No. 753 read first time.

Assembly Bills Nos. 177 and 625, and Assembly Constitutional Amendment No. 27 ordered referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 196, 622, and 1075 ordered referred to Committee on Judiciary.

Assembly Bill No. 254 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 621 and Committee Substitute for Assembly Bill No. 753 ordered referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1114 ordered on file for second reading, without reference to committee.

Assembly Bill No. 955 ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk.

Also: Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Also: Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.

Also: Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Also: Assembly Bill No. 253—An Act for the relief of aged teachers.

Also: Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Also: Assembly Bill No. 305—An Act to add four new sections to the Code of Civil Procedure of the State of California, to be numbered 549a, 549b, 549c, and 549d, all relating to the trial of the right to personal property when levied upon under attachment or execution.

Also: Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Also: Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 1248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment of proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same.

Also: Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Also: Assembly Bill No. 640—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.

Also: Assembly Bill No. 664—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

Also: Assembly Bill No. 662—An Act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874a, all relating to text-books.

Also: Assembly Bill No. 776—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Also: Assembly Bill No. 783—An Act to appropriate \$3,000.00 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Also: Assembly Bill No. 754—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 917—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Also: Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means for preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No. 977—An Act to add a new section to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Also: Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Also: Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Also: Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Also: Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Assembly Bill No. 1045—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, approved March 23, 1901, except section two thereof, and amended March 20, 1903, March 20, 1905, and March 6, 1907.

Also: Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code, as amended in 1907, statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Also: Assembly Bill No. 1084—An Act to amend section four thousand and five *c* of the Political Code of the State of California, relating to population of counties.

Also: Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Also: Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining, and mineral claims.

Also: Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191*a*, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town, or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Also: Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789*a*, relating to conveyances by guardians.

Also: Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810*a*, relating to conveyances by guardians.

Also: Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Also: Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Also: Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Also: Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Also: Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Also: Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

Also: Assembly Bill No. 1259—An Act to amend section ten hundred and eighty-four of the Political Code, relating to the qualifications and disabilities of an elector.

Also: Assembly Bill No. 1260—An Act to amend sections twelve hundred and thirty, twelve hundred and thirty-five, and twelve hundred and thirty-eight of the Political Code, relating to the challenging of persons offering to vote at elections.

Also: Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Bills Nos. 27, 29, 91, 144, 203, 253, 280, 305, 387, 411, 438, 579, 640, 664, 662, 724, 776, 783, 784, 947, 958, 974, 977, 978, 986, 1033, 1043, 1045, 1071, 1082, 1083, 1084, 1085, 1093, 1099, 1104, 1105, 1111, 1120, 1123, 1164, 1210, 1211, 1259, 1260, and 1152 read first time.

Assembly Bills Nos. 27, 203, 305, 411, 438, 579, 664, 662, 947, 1093, 1099, 1104, 1105, and 1120 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 29, 1045, and 1152 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 91, 280, 958, 986, 783, and 1123 ordered referred to Committee on Finance.

Assembly Bills Nos. 144 and 640 ordered referred to Committee on Roads and Highways.

Assembly Bills Nos. 253 and 724 ordered referred to Committee on Education.

Assembly Bill No. 784 ordered referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 977, 978, and 1043 ordered referred to Committee on Corporations.

Assembly Bills 1033, 1082, 1083, 1084, 1071, and 1085 ordered referred to Committee on County Government.

Assembly Bill No. 1111 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 1164, 1210, and 1211 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 1259 and 1260 ordered referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 387, 776, and 974 ordered on file for second reading without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 228—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.

Also: Senate Bill No. 373—An Act to add two new sections to the Political Code, to be numbered 3196a and 3196b, relating to the protection of farm names.

Also: Assembly Bill No. 647—An Act to amend Section 4280 of the Political Code, relating to counties of the fifty-first class.

Also: Assembly Bill No. 710—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be made to the county treasurer of the county of Sacramento.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

WITHDRAWAL OF BILLS.

Senator Miller asked for and was granted unanimous consent to withdraw Senate Bill No. 695—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Senate Bill No. 695 withdrawn, and ordered stricken from the file.

Also:

Senator Thompson asked for and was granted unanimous consent to withdraw Senate Bill No. 948—An Act to provide for the formation, organization, and government of storm water districts, for the purpose or protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon, or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements.

Senate Bill No. 948 withdrawn, and ordered stricken from the file.

Also:

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 779—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Senate Bill No. 779 withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Secretary be, and he hereby is, instructed to prepare a special file of one bill for each Senator, said special file to be considered at eight o'clock P. M. of each day from and after Monday, March 1, 1909.

Resolution read, and referred to Committee on Rules.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Holohan moved that the vote whereby Senate Bill No. 220 was refused passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Holohan moved that the further consideration of Senate Bill No. 220 be made a special order for Tuesday, March 2, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Thomas O. Toland of Ventura.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Concurrent Resolution No. 9—Approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

Also: Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Also: Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 965—An Act to amend an Act entitled an Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Senate Bill No. 336—An Act to amend section twelve hundred and sixty-five of the Civil Code of the State of California, relating to homesteads and exemptions.

Also: Senate Bill No. 337—An Act to amend section seven hundred and eighty-nine of the Civil Code of the State of California, relating to termination of estates.

Also: Senate Bill No. 444—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro, approved March 19, 1889.

Also: Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 757—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also: Senate Bill No. 222—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof for the use and occupancy of said School of Trades, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of officers, guards and employees at the State Prison at Folsom, and to make an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom for the warden, and making an appropriation therefor.

Also: Committee Substitute "A" for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State Prison at San Quentin, and making an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No. 882—An Act providing for construction of cottages for the use of guards and employees at the State Prison at San Quentin, and to make an appropriation therefor.

Also: Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Also: Senate Bill No. 851—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 564a, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.

Also: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Also: Senate Bill No. 886—An Act to amend sections one, three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Also: Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907.

Also: Senate Bill No. 721—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Also: Senate Bill No. 842—An Act to amend Article I of Chapter I of Title VIII of Part III of the Political Code of the State of California, said title relating to property of the State, said chapter relating to the public lands, and said article relating to general provisions respecting public lands, by amending Sections 3398 and 3406 thereof, relating to location of lands in United States land offices, by adding a new section thereto to be known as Section 3406a, relating to bases for indemnity selections, by amending Section 3407, relating to the issuance of approvals and as hereby amended relating to certificates of purchase, by repealing Section 3410 thereof, relating to compensation of registers and receivers of the United States land offices, and by adding five new sections thereto, to be known as Sections 3408a, 3408b, 3408c, 3408d, and 3408e, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, withholding certain lands from sale and making the same bases for indemnity selections, providing a method for the sale at public auction of indemnity certificates or scrip, entitling the owner to have selected for him government lands in lieu thereof, making certain acts unlawful, providing penalties for the commission of such unlawful acts and all said sections relating to land grants made to the State by the United States and lands to be selected in lieu thereof.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Also: Senate Bill 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the notice of sale of property on execution.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Senate Bill No. 1220—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered Section 636b, defining what shall constitute prima facie evidence thereunder.

Also: Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways.

Also: Senate Bill No. 825—An Act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of the justices of the peace in cities and counties.

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Also: Senate Bill No. 374—An Act to regulate the work and hours of employees engaged in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

Also: Committee Substitute for Senate Bill No. 813—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section five thereof, by amending subdivisions one and three of said section five, and by adding a new subdivision to said section five thereof, to be numbered subdivision six, and by adding a new section thereto, to be numbered Section 8a.

Also: Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers.

Also: Senate Bill No. 1102—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to the salaries and fees of county officers.

Also: Senate Bill No. 1169—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Also: Senate Bill No. 509—An Act providing for the use of the credit of the State of California for the establishment of a currency or an exchange medium.

Also: Senate Bill No. 1144—An Act to add a new section to the Penal Code of California, to be known as Section 172a, relating to the selling, giving away, or exposing for sale any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

Also: Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Also: Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Also: Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five a, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

Also: Senate Bill No. 1143—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure of the State of California, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Senate Bill No. 646—An Act to amend section three thousand seven hundred of the Political Code, relating to salaries of the members of the State Board of Equalization.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Also: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Also: Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 582—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Also: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Also: Senate Bill No. 1217—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Also: Senate Bill No. 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, and five hundred of the Political Code, relating to the salary of the Surveyor General, and to the salaries of appointees in the office of the Surveyor General, and Register of the State Land Office, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, 1177, and 1241 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Also: Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17.

Also: Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties.

And report that the same have been correctly engrossed.

BELL, Acting Chairman.

Senate Bills Nos. 34, 905, 709, 710, 336, 337, 444, 347, 797, 33, 990, 854, 1042, 886, 721, 933, 842, 968, 973, 924, 917, 919, 1220, 341, 825, 1059, 374, 1219, 1102, 1169, 833, 509, 1144, 979, 999, 1000, 1001, 1142, 1105, 1143, 646, 977, 775, 593, 585, 582, 689, 756, 808, 1217, 584, 659, 773, 763, and 455 ordered on file for third reading.

Committee Substitutes for Senate Bills Nos. 600, 774, 26, 813, and 630 ordered on file for third reading.

Committee Substitutes "A" and "B" for Senate Bill No. 882 ordered on file for third reading.

Committee Substitute "A" for Senate Bill No. 772 ordered on file for third reading.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 14 ordered on file.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 ordered on file.

WITHDRAWAL OF BILL.

Senator Curtin asked for, and was granted, unanimous consent to withdraw Senate Bill No. 646—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Senate Bill No. 646 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to have Senate Bill No. 803 taken up for consideration (out of order) for the purpose of amendment.

Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools, and providing for its distribution,' " approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 2, of the printed bill, strike out the following: "1729. Organization of high school boards in union and joint union high school districts.

1730. Same", and insert in lieu thereof the following:

"1729. Union of high school districts.

"1730. Organization of high school boards in union and joint union high school districts".

Amendment adopted.

Also:

On page 2, Section 1, line 5, of the printed bill, strike out the "period" after the word "schools", and insert in lieu thereof "and technical schools".

Amendment adopted.

Also:

On page 3, of the printed bill, following line 15 thereof, insert the following: "Whenever the term 'high school district' is used in this article or in article fifteen of this chapter it shall, unless a contrary intent appears, be deemed to include union high school districts and joint union high school districts".

Amendment adopted.

Also:

On page 5, of the printed bill, strike out all of line S2 after the comma following the word "district"; all of line S3, page 5, and all of line S4, page 5, to and includ-

ing the word "days", and insert in lieu thereof the following: "at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published therein at least as often as once a week, if there be such a newspaper, the first publication to be not less than two weeks before the election."

Amendment adopted.

Also:

On page 6, of the printed bill, strike out all of line 36 following the word "thereof": all of lines 37 and 38, page 6, and all of line 39, page 6, before the period, and insert in lieu thereof the following: "at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed union high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election".

Amendment adopted.

Also:

On page 15, of the printed bill, insert at the end of line 51 the following: "If a high school district so disincorporated has an outstanding bonded indebtedness, taxes shall be levied and collected on all property in the territory constituting such high school district at the time of its disincorporation, for the purpose of paying principal and interest of such bonds, in the same manner, and at the same time as if said district had not been disincorporated".

Amendment adopted.

Also:

On page 8, of the printed bill, strike out lines 95 to 108 inclusive, and insert in lieu thereof the following:

"1729. Two or more contiguous high school districts in the same or in adjoining counties may be united to form a single union or joint union high school district by proceedings taken as hereinafter provided. Whenever a petition signed by two thirds of the high school board of each of two or more contiguous high school districts, asking that said high school districts be united to form a single union or joint union high school district under a name to be stated in the petition, and stating the location of the high school agreed upon by said high school boards, shall be presented to the superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school districts so petitioning, said superintendent of schools shall within twenty days, call an election for the determination of the question. Such election shall be held separately in each of the school districts composing said high school districts so petitioning, and shall be called and held as provided in section seventeen hundred twenty-seven, except that the ballots shall state the location of the high school as described in the petition to the superintendent of schools and shall contain the words 'For the Union of High School Districts—Yes', and 'For the Union of High School Districts—No'. Said superintendent of schools shall canvass the returns, and file his certificate of the result as directed by section seventeen hundred twenty-seven. If a majority of the votes cast at such election are in favor of the union of such high school districts, the high school districts so petitioning shall, from the time of filing such certificate, be united to form a single union or joint union high school district under the name stated in the petition. Thereupon the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one. If either of such high school districts so united has an outstanding bonded indebtedness, the new high school district shall be liable therefor".

Amendment adopted.

Also:

On pages 8 and 9, of the printed bill, strike out lines 109 to 143 inclusive, and insert in lieu thereof the following:

"1730. In every union or joint union high school district, the high school board shall be composed of five members, who shall be elected from the high school district at large for the term of three years, except as hereinafter provided. When any union or joint union high school district is formed, the superintendent of schools who has jurisdiction over the same shall, within fifteen days thereafter, call an election in said union or joint union high school district for the purpose of electing a high school board. Such election shall be held at a school house of each school district in the high school district, and such superintendent of schools shall appoint the same number of officers of election for each school district, and give the same notice of election as is required for the election of school trustees, and the election shall be held in the

same manner as are elections of school trustees, except that the returns shall be at once sent to such superintendent of schools, and he shall canvass the same and issue certificates of election to the persons elected. The members of the high school board so elected shall hold office until the first day of July next succeeding the first regular election of members of the high school board held, as hereinafter provided, after the formation of the high school district, and until their successors are elected or appointed and qualified. Within twenty days after said election the superintendent of schools shall call a meeting of the high school board by giving at least ten days' notice by registered mail to each member thereof, for the purpose of organizing the high school board. At such meeting the high school board shall organize by electing a president from their own number and a clerk, and may transact any other business relating to the affairs of the school district".

Amendment adopted.

Also:

On pages 9 and 10, of the printed bill, strike out lines 144 to 176 inclusive, and insert in lieu thereof the following:

"1731. The regular annual election of members of the high school board shall be held at same time as the regular annual election of school trustees. Said election shall be called by the high school board, who shall for that purpose designate a polling place in each of the school districts composing the high school district, at one of the schoolhouses thereof, at which the electors of such school districts shall vote. The high school board shall give the same notice of said election, and appoint the same number of election officers in each school district as are required for the election of school trustees, and said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the high school board, who shall meet at the high school on the seventh day thereafter at one o'clock P. M., and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such high school district. The high school board elected at the first regular election following the formation of any union or joint union high school district shall at their first meeting so classify themselves by lot that one of their number shall hold office for one year, two of their number shall hold office for two years, and two of their number shall hold office for three years from the first day of July next preceding. Thereafter as each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the high school district, the appointee to hold office until the first day of July next succeeding the appointment, and a person to fill any unexpired term shall be elected at the next regular election after the vacancy occurs. In each union or joint union high school district formed before this section takes effect the members of the high school board in office at the time this section takes effect or persons appointed as their successors, in case of vacancies, shall hold office until the first day of July, 1910, at which time their terms of office shall expire. At the time hereinbefore provided for the holding of the regular election or members of the high school board in the year 1910 a new board consisting of five members shall be elected at large in each such union or joint union high school district, who shall take office on the first day of July, 1910, said high school board shall at their first meeting classify themselves by lot as hereinbefore provided for newly formed districts, and thereafter their successors shall be elected as hereinbefore provided".

Amendment adopted.

Also:

On page 10, of the printed bill, strike out lines 1 to 6 inclusive, and insert in lieu thereof the following:

"1732. Whenever a new school district becomes a part of any union or joint union high school district, such newly added school district shall be entitled to participate in all elections of members of the high school board thereafter held".

Amendment adopted.

Also:

On page 10, of the printed bill, in line 8, strike out the words "less than three to three", and insert in lieu thereof the following: "one to two".

Amendment adopted.

Also:

On page 10, of the printed bill, line 16, strike out the words "three or more to less than three", and insert in lieu thereof the following: "two or more to one".

Amendment adopted.

Also:

On page 10, of the printed bill, line 19, strike out the words "or districts".

Amendment adopted.

Also:

On page 10, of the printed bill, lines 20 and 21, strike out the words "or section seventeen hundred twenty-nine, as the case may be".

Amendment adopted.

Also:

On page 10, line 10, of the printed bill, strike out the word "direct", and insert in lieu thereof the word "call".

Amendment adopted.

Also:

On page 10, line 11, of the printed bill, strike out the words "to be called".

Amendment adopted.

Also:

On page 10, of the printed bill, strike out of lines 22 and 23 the word "sections", and insert in lieu thereof the word "section".

Amendment adopted.

Also:

On page 11, in line 41, of the printed bill, insert after the words "school districts" the following: "or situated partly in a high school district and partly in no high school district".

Amendment adopted.

Also:

On page 11, of the printed bill, insert after the word "electors", in line 41, the following: "of such new school district".

Amendment adopted.

Also:

On page 11, of the printed bill, after the words "shall belong", in line 41a, insert the following: "or whether such new school district shall be a part of such high school district".

Amendment adopted.

Also:

On page 18, of the printed bill, after the word "preference", in line 46c, insert: "The high school board of any union or joint union high school district may provide, in such manner as they deem best, for the transportation to and from the high school of such pupils thereof as such board find to be in need of such transportation; and the cost of such transportation shall be deemed a part of the cost of maintaining the high school and paid accordingly; *provided* that all contracts or other provision for such transportation shall before the same become effective, be approved by the superintendent of schools who has jurisdiction over such high school district".

Amendment adopted.

Also:

On page 18, strike out lines 47 to 55 inclusive of the printed bill.

Amendment adopted.

Also:

On page 13, of the printed bill, strike out the period in line 107, and insert in lieu thereof a semicolon, and after the semicolon the following: "*provided, however,* that no school district shall be excluded from a high school district having an outstanding bonded indebtedness, where such exclusion would so reduce the amount of taxable property in such high school district that said outstanding bonded indebtedness would exceed five per cent of the taxable property of such high school district after the exclusion, as shown by the last equalized assessment of the county or counties in which such high school district is located."

Amendment adopted.

Also:

On page 16, of the printed bill, strike out of line 93 the word "law", and insert in lieu thereof the words "sections ten hundred forty-four, eleven hundred twenty, eleven hundred twenty-one, eleven hundred thirty-three and eleven hundred fifty-one of this Code".

Amendment adopted.

Also:

On page 21, of the printed bill, insert in line 36, before the word "three", the words "at least".

Amendment adopted.

Also:

On page 21, of the printed bill, insert in line 41 after the period the following: "The first publication of said notice shall be not less than twenty-one days before such election."

Amendment adopted.

Also:

On page 24, of the printed bill, strike out the word "extended", in line 37, and insert in lieu thereof the word "entered".

Amendment adopted.

Also:

On page 24, of the printed bill, strike out all of line 38 and all of line 39 before the period, and insert in lieu thereof the following: "and paid into the treasury thereof, and it shall thereupon be the duty of the treasurer of such other county, on demand of the treasurer of the county by whose board of supervisors the tax was levied, to pay the sums collected on account of such tax in such other county into the treasury of the county by whose board of supervisors the tax was levied".

Amendment adopted.

Also:

In Section 4, of the printed bill, strike out the word "immediately", and insert in lieu thereof the words "on the first day of July, 1909."

Amendment adopted.

Also:

On page 34, of the printed bill, amend by striking out the period in line 19, and inserting in lieu thereof a semicolon, and following the semicolon the following: "*and provided further*, that nothing in this Act shall affect the validity or legality of any bonds of any high school district issued and sold prior to the taking effect of this Act; *and provided further*, that where an election has been held prior to the taking effect of this Act, upon the question of issuing bonds of any high school district, and said election has been legally called and held in accordance with said repealed statutes, and two thirds of the electors voting at such election have voted in favor of issuing such bonds at said election, and all subsequent proceedings in regard to such bonds taken in accordance with said repealed statutes before this Act becomes effective, shall be valid and effectual for all purposes and all further proceedings for the sale of such bonds shall be had in accordance with the provisions of this Act".

Amendment adopted.

Also:

On page 4, of the printed bill, amend by striking out in line 56 the word "and", and inserting in lieu thereof a comma.

Amendment adopted.

Also:

On page 4, of the printed bill, amend by inserting in line 56, after the word "twenty-eight", the words "and seventeen hundred twenty-nine".

Amendment adopted.

Also :

On page 21, of the printed bill, strike out of line 34 thereof the words "be united", and insert in lieu thereof the following: "by order of said board, entered in its minutes, be united and voted upon".

Amendment adopted.

Also :

On page 26, line 127, of the printed bill, after the word "recommended" insert the following: "annually, in the month of June".

Amendment adopted.

Also :

On page 27, line 145, of the printed bill, after the word "attend" insert a comma and the following: "and to the superintendent having jurisdiction over such high school".

Amendment adopted.

And :

On page 31, line 73, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Thompson, the Secretary was directed to issue a rush order for printing Senate Bill No. 803.

INTRODUCTION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to introduce a Senate joint resolution out of order.

By Senator Cutten: Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

Senate joint resolution referred to Committee on Federal Relations.

RUSH ORDER TO PRINTER.

On motion of Senator Cutten, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 19.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Anthony asked for, and was granted, unanimous consent to have Assembly Bill No. 302 taken up for consideration (out of order) for the purpose of amendment.

Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011, and 2112, all of the Political Code of the State of California, relating to the National Guard.

During second reading of bill, the following amendments were offered by Senator Anthony.

In Section 4, line 38, page 5, of the printed bill, insert after the word "general" the words "and the colonel".

Amendment adopted.

Also:

In Section 14, line 6, page 12, of the printed bill, strike out the word "advise", and insert in lieu thereof the word "advice".

Amendment adopted.

Also:

In Section 16, line 8, page 12, of the printed bill, insert after the word "appointments" the words "subject to".

Amendment adopted.

Also:

In Section 16, line 8, page 12, of the printed bill, strike out the "to".

Amendment adopted.

And:

In Section 27, line 9, page 22, of the printed bill, after the word "department" insert the following: "the assistant adjutant general."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Anthony, the Secretary was directed to issue a rush order for printing Assembly Bill No. 302.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code to be numbered four hundred and two c, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 444 and 833 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Also Senate Bill 923—An Act entitled an Act to amend section seventeen hundred and thirty-seven of the Code of Civil Procedure, relating to public administrators.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 1152 and 923 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1234—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Also: Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 1234 and 1139 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 577—An Act to amend section one hundred and thirty-one of the Civil Code, relating to interlocutory divorce judgments.

Also: Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.

Also: Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Also: Senate Bill No. 929—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section of the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in actions for divorce and annulment of marriage.

Also: Senate Bill No. 945—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Also: Senate Bill No. 942—An Act to amend Section 69 of the Civil Code and to add two new sections thereto, to be numbered Sections 69a and 69b, relating to the issuance of marriage licenses.

Also: Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code, relating to transfers of money from one fund to another.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 769, 928, 929, 945, and 942 ordered on file for second reading.

Assembly Bills Nos. 577 and 931 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 16—Relative to transportation rates, directing the Attorney General to bring suit to adjust the same, and making an appropriation out of the contingent fund of the Senate and Assembly therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted, and be referred to Committee on Finance.

WILLIS, Chairman.

Senate Joint Resolution No. 16 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended by Committee on County Government.

WILLIS, Chairman.

Senate Bill No. 1138 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 926—An Act to amend Section 4013 of the Political Code, and to add a new section to said Code, to be known and numbered as Section 4152a, creating the office of divorce examiner in each county, and providing for his powers, duties, and compensation.

Also: Senate Bill No. 927—An Act to amend Section 446 of the Code of Civil Procedure, relating to the signing and verification of pleadings.

Also: Senate Bill No. 930—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.

Also: Senate Bill No. 946—An Act to add a new section to the Civil Code of the State of California, to be numbered 108, relating to conviction of felony as ground for divorce.

Also: Senate Bill No. 947—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code of the State of California, relating to dissolution of marriage and legal separation.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 926, 927, 930, 946, and 947 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Bell asked for, and was granted, unanimous consent to withdraw Senate Bills No. 926, 927, and 930.

Senate Bill No. 926—An Act to amend Section 4013 of the Political Code, and to add a new section to said Code to be known and numbered as Section 4152a, creating the office of divorce examiner in each county, and providing for his powers, duties and compensation.

Senate Bill No. 927—An Act to amend Section 446 of the Code of Civil Procedure, relating to the signing and verification of pleadings.

Senate Bill No. 930—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.

Senate Bills Nos. 926, 927, and 930 withdrawn, and ordered stricken from the file.

Also:

Senator Thompson asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 946 and 947.

Senate Bill No. 946—An Act to add a new section to the Civil Code of the State of California, to be numbered 108, relating to conviction of felony as ground for divorce.

Senate Bill No. 947—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code of the State of California, relating to dissolution of marriage and legal separation.

Senate Bills Nos. 946 and 947 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1165—An Act concerning actions for divorce and annulment of marriage and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same—have had the same under consideration, and respectfully report the same back, with the recommendation that committee substitute for said bill do pass.

WILLIS, Chairman.

Senate Bill No. 1165 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Also: Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Also: Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates or homesteads or community property in certain cases and joint tenancies.

Also: Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Also: Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Also: Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Also: Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Also: Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Also: Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Also: Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Also: Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Also: Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Also: Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Also: Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Have had the same under consideration, and respectfully report the same back, with the recommendation that same do pass.

WILLIS, Chairman.

Senate Bills Nos. 605, 608, 610, 618, 868, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1120, and 1122 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Also: Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Also: Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Also: Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Also: Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Also: Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Also: Senate Bill No. 861—An Act to amend section three hundred and one of the Civil Code of the State of California, relating to corporations.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

Also: Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Also: Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that same do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 606, 609, 620, 622, 859, 860, 861, 866, 867, 869, and 1117 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 1239 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced out of order:

By Senator Boynton:

Resolved, That Senate Bill No. 1239 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of United States Army, and printed with the annual report of the chief of engineers of United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1239 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Boynton, Burnett, Cutten, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Sanford, Savage, Thompson, Walker, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Also: Senate Bill No. 802—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BATES, Chairman.

Senate Bills Nos. 672 and 802 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 906—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that said committee substitute do pass.

THOMPSON, Chairman.

Senate Bill No. 906 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 371—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class—have had the same under consideration, and respectfully report the same back, with the recommendation that the author withdraw the same.

THOMPSON, Chairman.

Senate Bill No. 371 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 371—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.

Senate Bill No. 371 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties—have had the same under consideration, and respectfully report the same back, with amendments, but without recommendation.

THOMPSON, Chairman.

Senate Bill No. 1229 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 1230—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses and taking evidence by the

supervisors of a county when acting as a county board of equalization—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 1230 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

Also: Have considered Senate Constitutional Amendment No. 50—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution—and respectfully report the same back with one amendment, with the recommendation that it be adopted as amended.

THOMPSON, Chairman.

Senate Constitutional Amendments Nos. 38 and 50 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 755—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three a, relating to the compensation of jurors in counties of the fourteenth class—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be re-referred to the Committee on Judiciary.

THOMPSON, Chairman.

Assembly Bill No. 755 ordered on file for second reading.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Leavitt, Senate Bill No. 808 was ordered re-referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SAVAGE, Chairman.

Assembly Bill No. 44 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon the streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Also: Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any state or

county highway, or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 442, 733, and 827 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1154—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Also: Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 1154 and 1156 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1233—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 1233 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 155 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 1155 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 467 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 1191 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Roseberry, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. L. E. Blochman of Santa Maria.

CONSIDERATION OF DAILY FILE—SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403³₄, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

SPECIAL ORDER SET.

Senator Savage moved that the further consideration of Assembly Bill No. 240 be made a special order for Tuesday, March 2, 1909, at two o'clock P. M.

Motion carried.

SENATOR WILLIS IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1031½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 723—An Act to amend Section 3546 of the Political

cal Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

During second reading of bill, the following amendment was submitted by committee:

Page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, after the enacting clause, insert the following:

"SECTION 1. A new section is hereby added to the Penal Code of California, to be numbered 537c, and to read as follows:"

Amendment adopted.

Also:

On page 1, line 1, strike out the word "Section".

Amendment adopted.

And:

Amend the title of the bill, line 1 thereof, after the word "Code", by inserting the words "of California".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the following words: "Conveyances filed with recorder is constructive notice, etc."

Amendment adopted.

And:

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 229—An Act to amend Section 637a of the Penal Code of the State of California, relating to the protection and preservation of birds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Hurd, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 728 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Hurd, Leavitt, Lewis, McCartney, Miller, Roseberry Rush, Sanford, Savage, Stetson, Thompson, Waiker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 760—An Act to amend Section 4245 of the Political Code of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

Senate Bill No. 760 withdrawn, and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

On motion of Senator Wright, Assembly Bill No. 377 was temporarily passed on file, to retain its place.

Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 631 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, **Savage**, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Also: Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section six hundred twenty-five of said Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 735—An Act to amend Section 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 328—An Act to provide for work upon and the construction of sidewalks and curbing within municipalities.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Also: Senate Bill No. 243—An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one a, relating to the law library fund.

Also: Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Senate Bill No. 239—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

And report that the same have been correctly enrolled, and presented the same to the Governor on this first day of March, 1909, at one o'clock P. M.

BELL, Acting Chairman.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 160—An Act to amend Section 1761, Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 160 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Lewis, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 4—Relative to approving the amendments of the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the 8th day of October, A. D. 1908.

On motion of Senator Birdsall, Assembly Concurrent Resolution No. 4 was temporarily passed on file, to retain its place.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 200 was temporarily passed on file, to retain its place.

Assembly Bill No. 61—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Assembly Bill No. 61 was temporarily passed on file, to retain its place.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 75 was temporarily passed on file, to retain its place.

Assembly Bill No. 951—An Act to amend Section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 951 finally passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Hurd, Leavitt, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

On motion of Senator Leavitt, Assembly Bill No. 825 was temporarily passed on file, to retain its place.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

On motion of Senator Birdsall, Assembly Bill No. 445 was temporarily passed on file, to retain its place.

Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining its duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 446 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Catten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Thompson, Willis, Wolfe, and Wright—23.

NOES—Senators Stetson and Walker—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 446 was this day finally passed.

SENATOR CURTIN IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Stetson, Committee Substitute for Assembly Bill No. 920 was ordered referred to Committee on Public Buildings and Grounds.

ASSEMBLY JOINT RESOLUTION No. 8.

Assembly joint resolution relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," approved March 16, 1906.

WHEREAS, By Section 2 of said Act it is provided: That the grants of money authorized by this Act are made subject to the legislative assents of the several states and territories for the purposes of said grants; therefore, be it

Resolved, by the Assembly and Senate jointly. That the State of California does hereby assent to the grants named in said Act, approved March 16, 1906, and to the conditions thereof for and on behalf of the State of California and the Board of Regents of the University of the State of California; and be it further

Resolved, by the Assembly and Senate jointly. That the State of California does hereby specifically designate the Board of Regents of the University of California, a corporation organized and existing under the laws of the State of California, and controlling the University of California, to receive the money appropriated under said Act for the benefit of agricultural experiment stations connected with the State University; be it further

Resolved. That his Excellency, the Governor of California, be, and he is hereby, requested to transmit to the Secretary of the Treasury of the United States a copy of these resolutions duly certified by the Secretary of State.

Assembly joint resolution read.

The question being upon the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Assembly Joint Resolution No. 8 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

On motion of Senator Boynton, Assembly Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

UNFINISHED BUSINESS—(OUT OF ORDER).

On motion of Senator McCartney, the unfinished business of the day was taken up.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 778?"

After the word "to" where it first occurs in line 15, of Section 1, of the printed bill, insert the words "each United States Senator and".

And:

Strike out from the word "and", where it last occurs in line 11, of Section 2, page 2, of the printed bill, down to the word "copy", in line 13, of Section 2, page 2, of the printed bill, both inclusive.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 778 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 778 ordered to enrollment.

THIRD READING OF SENATE BILLS.

Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

On motion of Senator McCartney, Senate Bill No. 937 was temporarily passed on file, to retain its place.

Senate Bill No. 954—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 954 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 820 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Lewis, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. Michael Fried of Sacramento.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand

two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On page 1, line 8, strike out after the words "two thousand" the word "two", and insert in lieu thereof the word "four".

Also:

On page 2, line 13, strike out the word "three", and insert in lieu thereof the word "two".

Also:

On page 2, line 23, strike out the word "five", and insert in lieu thereof the word "eight".

Also:

On page 2, line 27, strike out the word "five", and insert in lieu thereof the word "eight".

Also:

On page 2, line 38, strike out the word "five", and insert in lieu thereof the word "eight".

And:

On page 2, line 41, strike out the word "five", and insert in lieu thereof the word "ten".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 960, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On page 2, line 1, after the figure "2", strike out all the remainder of the paragraph, and insert in lieu thereof the following: "The sheriff, three thousand six hundred dollars per annum; *provided* that in counties of this class there shall be and there hereby is allowed to the sheriff one under sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy, who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; three deputies, one of whom shall be assistant jailer, and who shall receive salaries of one thousand two hundred dollars per annum each; one deputy, who shall be assistant jailer, and who shall receive the salary of nine hundred dollars per annum; one stenographer, who shall receive the salary of nine hundred dollars per annum.

"In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive the salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff.

"In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting all criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid."

Also:

On page 2, line 50, strike out the word "recorder", and insert in lieu thereof the word "auditor".

Also:

On page 3, line 58, strike out the word "two", and insert in lieu thereof the word "five".

Also:

On page 3, line 60, after the word "annum" insert "and such fees as are allowed by law".

Also:

On page 3, line 72, after the word "annum" strike out the words "also two deputies at salaries of one thousand five hundred dollars each per annum," and insert in lieu thereof the following: "One chief deputy, who shall receive the salary of one thousand eight hundred dollars per annum; one deputy, who shall receive the salary of one thousand two hundred dollars per annum; two deputies during six months of each year, who shall receive one hundred dollars each per month; one deputy during five months of each year, who shall receive one hundred dollars each per month; four deputies during four months of each year, who shall receive one hundred dollars each per month; and the assessor in counties of this class may, during the year 1911 and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall receive as compensation the sum of eighty dollars each per month. The assessor may also appoint such number of field deputies as he shall deem necessary, whose salaries shall be paid by the assessor out of the fees and commissions allowed him by law."

Also:

On page 3, line 79, after the word "annum" strike out the words "two deputy district attorneys, who shall receive the salaries of one thousand two hundred dollars each per annum", and insert in lieu thereof the following: "One deputy district attorney, who shall receive the salary of one thousand five hundred dollars per annum, and a second deputy district attorney, who shall receive the salary of one thousand two hundred dollars per annum."

Also:

On page 3, line 85, strike out the period at the end of the line, and insert in lieu thereof the following: "and one bookkeeper at the salary of seventy-five dollars per month."

Also:

On page 4, line 122, strike out the words, "seventy-five", and insert in lieu thereof the words "one hundred".

And:

On page 5, after line 144, add a new subdivision, to be numbered "18", as follows: "18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of county officers are paid."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 961, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 957—An Act to amend section four thousand and five of the Political Code of the State of California, relating to population of counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 957 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Curtin, Cullen, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 958 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 959 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 969 passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 725—An Act to amend section one of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Senate Bill No. 725 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Senate Bill No. 816 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 563—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

On motion of Senator Wright, Senate Bill No. 563 was temporarily passed on file, to retain its place.

Senate Bill No. 722—An Act to amend Section 2349 of the Political Code, relating to certain streams and waters declared public highways.

Senate Bill No. 722 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 970 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read out of order:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 25, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

Also: Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening or straightening of public streets, squares, lanes, alleys, courts and places within municipalities; to the appointment, powers, duties and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements—have had the same under consideration, and respectfully report the same back, with the amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bills Nos. 1174 and 1173 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Secretary be, and he is, hereby instructed to prepare a special file in the Senate of Senate and Assembly bills carrying appropriations that have been reported favorably upon by the Finance Committee of this body;

Also a special file of all county government bills, Senate and Assembly;

Also a special file of Code bills, both Senate and Assembly;

Also a special urgency file, upon which may be placed a bill, either Senate or Assembly, by each Senator;

Said files to be considered as follows: Appropriation bills, county government bills, and Code bills, immediately after the consideration of Assembly bills in the afternoon. The said special urgency file to be considered at eight P. M. of each day; *provided*, that any of said files may be taken up at times other than as above mentioned upon motion.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

SENATOR WILLIS IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 967—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 967 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Stetson asked for and was granted unanimous consent to withdraw Senate Bill No. 550—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345, relating to concealing the actual rate of interest for the use of money.

Senate Bill No. 550 withdrawn and ordered stricken from the file.

THIRD READING OF SENATE BILLS (RESUMED).

Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 809 passed by the following vote:

AYES—Senators Anthony, Bills, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Hurd, Leavitt, Lewis, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Welch, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 983—An Act validating the issuance of bonds by joint union high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 983 passed by the following vote:

AYES—Senators Anthony, Bills, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Hurd, Leavitt, Martinelli, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Welch, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued, by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1002 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hartman, Hurd, Leavitt, Lewis, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Welch, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Stetson to reconsider vote whereby Assembly Constitutional Amendment No. 13, proposed amendment to Article XLI, Section 9, of the Constitution, relative to the compensation of officers and the extension of the term of officers, was refused adoption.

The same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Stetson moved that the further consideration of his motion to reconsider the vote whereby Senate Constitutional Amendment No. 13 was refused adoption be made a special order for Wednesday, March 3, 1909, immediately after the reading of the Journal.

Motion carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill

No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

The same was taken up for consideration.

Bill read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Caminetti as a special committee of one to amend as follows:

By inserting after the word "make", on line 69, page 4, the words "and no dams or other works shall be installed or constructed until approved by the Legislature".

Also:

By inserting after the word "time", on line 12, page 6, the words "after approval by the Legislature."

And:

By inserting after the word "purpose", on line 19, page 6, the words: "provided said plans shall have first been approved by the Legislature".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 58, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Cutten as special committee of one, to amend, as follows:

By striking out the period at the end of line 4, Section 7, page 6, and inserting in lieu thereof a semicolon, and the following: "Provided, that nothing done or permitted by this Act shall prevent any court passing upon the sufficiency of any such dam or works, nor shall any dam or works erected under the provisions of this Act be considered as an act done or maintained under the express authority of a statute so as to prevent a court in a proper case from declaring the same to be a nuisance."

The question being upon the motion to refer.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Camp-

bell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Willis, and Wright—25.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and fifty-five minutes P. M., Senators Rush, Welch, and Wolfe were brought to the bar of the Senate, and, on motion of Senator Miller, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Caminetti.

The roll of absentees was called.

Whereupon the President announced that the motion was carried by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Cutten, Hartman, Holohan, Hurd, Lewis, McCartney, Roseberry, Rush, Savage, Stetson, Thompson, Walker, and Wright—19.

NOES—Senators Birdsall, Caminetti, Campbell, Curtin, Leavitt, Martinelli, Miller, Sanford, Welch, Willis, and Wolfe—11.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 58, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Cutten as a special committee of one to amend, as follows:

By striking out of Section 2, line 19, the word "material".

The question being upon the motion to refer.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Cutten, Hartman, Hurd, Lewis, McCartney, Rush, Savage, Stetson, Thompson, and Wright—15.

NOES—Senators Birdsall, Burnett, Caminetti, Campbell, Curtin, Leavitt, Martinelli, Miller, Sanford, Walker, Welch, Willis, and Wolfe—13.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 58, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

The question being on the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Anthony, Bell, Bills, Boynton, Cutten, Hurd, Lewis, McCartney, Savage, Thompson, and Wright—11.

NOES—Senators Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Leavitt, Martinelli, Miller, Sanford, Walker, Welch, Willis, and Wolfe—14.

Senate Bill No. 58 ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Senate Bill No. 58.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sanford, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. W. L. Bransford of Red Bluff.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Burnett asked for and was granted unanimous consent to have Senate Bill No. 659 taken up for consideration out of order for the purpose of amendment.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, 1177, and 1241 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Willis as a special committee of one to amend, as follows:

By striking out of Section 1, line 1, the “,” after figures “1175”, and inserting in lieu thereof the word “and”.

Also:

Strike out of line 2, Section 1, the following word and figures after the figures “1177”, to wit: “and 1241”.

Also:

Amend the title by striking out the “,” after the figures “1175”, and inserting in lieu thereof the word “and”.

And:

Strike out of the title, on lines 1 and 2 thereof, the words “and 1241.”

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 659, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Willis as a special committee of one to amend, as follows:

By inserting on line 14, after the word “nonsuit”, the following: “or a motion to strike out evidence or testimony”.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 657, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Also:

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

By striking out on page 2, Section 2, line 2, the letter "a" after figures "274", and inserting the letter "b" in place thereof.

Also:

On line 4, of same page and section, strike out the letter "a" after the number "274", and insert in place thereof the letter "b".

And:

Amend title by striking out of title after the figures 274 the letter "a", and inserting in lieu thereof the letter "b".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 658, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 763 taken up out of order for the purpose of amendment.

Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Black as a special committee of one to amend as follows:

By striking out of Section 1, line 3, the word "May", and inserting in lieu thereof the following: "June".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 763, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties, the promulgation of their platforms, providing for conventions of political parties and prescribing the manner of electing delegates thereto and the nomination by political parties of candidates for Presidential Electors; and providing the method whereby the electors of political parties may express their choice at such primary elections for United States Senator—and report that the same has been correctly engrossed.

BIRDSALL, Chairman.

Senate Bill No. 3 ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hurd asked for and was granted unanimous consent to have Senate Bill No. 775 taken up for consideration out of order for the purpose of amendment.

Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner and the salaries, duties, and qualifications of his appointees.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

By striking out of Section 1, line 28, the words "ten hundred and eighty", and inserting in lieu thereof the following: "fifteen hundred".

Also:

By striking out of Section 1, line 56, the words "and, an assistant"; line 57, the words "inspector"; line 60, the words "and that of the assistant inspector one hundred"; line 61 the words "and twenty-five dollars per month".

And:

By striking out of Section 1, line 69, the words, "one hundred and fifty dollars per month", and inserting in lieu thereof the following: "twenty-four hundred dollars per annum".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 775, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

Also:

Senator Wright asked for and was granted unanimous consent to have Senate Bill No. 3 taken up for consideration, out of order.

Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties, the promulgation of their platforms, providing for conventions of political parties, and prescribing the manner of electing delegates thereto, and the nomination by political parties of candidates for Presidential Electors; and providing the method whereby the electors of political parties may express their choice at such primary elections for United States Senator.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 2, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rev. Charles Coke Woods.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 1, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Willis Booth of Los Angeles.

Also:

On request of Senator Sanford, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Watkins of Fresno, and Messrs. Brown and Grant of San Francisco.

Also:

On request of Senator Leavitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. George W. Reed of Oakland.

MOTION.

Senator Wolfe moved that in making up the Special File of Appropriation Bills the following method be followed, viz:

Place first on the file the bills introduced by Senators the initial letter of whose names is "W." and so on in order backward through the alphabet.

Motion carried.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Wolfe moved that the vote whereby Assembly Bill No. 446—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining its duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905—was finally passed.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Campbell, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

Assembly Bill No. 446 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1442—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as

recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Bill No. 1442 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended on this day, and passed as amended, Senate Bill No. 146—An Act providing for an appropriation of \$3,500.00 for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 241—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding, or lodging house, of domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violating of any of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 146?"

After line 4, of Section 2, of the printed bill, add the following: "Sec. 3. This Act shall be exempt from the provisions of the Act of the Legislature, approved March 23, 1876, relating to State erections and buildings, and all Acts amendatory thereto."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 146 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reily, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 146 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 241?"

In line 2 of the title, strike out the words "for making repairs and".

Also:

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following: "Sec. 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of five thousand dollars, to be expended by the Board of Trustees of the State Normal School at San Diego for the purpose of purchasing additional equipment for the State Normal School at San Diego, California."

And:

In lines 1, 2, and 3, of Section 3, of the printed bill, strike out the following: "and for material and labor in carrying out the provisions of Section 1 of this Act."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 241 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCart-

ney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Senate Bill No. 241 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 801?"

Strike out the words "and no increased bid on confirmation is received", in lines 11 and 12, of Section 1, page 1, of the printed bill.

And:

After the word "confirmed", in line 12, Section 1, page 1, of the printed bill, insert the words "to such purchaser".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 801 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Senate Bill No. 801 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 366?"

Strike out the words "Shoddy Bill" where they appear on page 1 of the printed bill.

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 366 ordered on file as unfinished business.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of United States Army, and printed with the annual report of the chief of engineers of United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1239 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 9—A resolution relating to Federal improvement of Newport Bay, in Orange County.

Also: Passed Assembly Bill No. 93—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Also: Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars (\$3,480.00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalk Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 434—An Act to amend Section 628a of the Penal Code of the State of California, relating to the protection and preservation of striped bass.

Also: Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Also: Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Also: Assembly Bill No. 1368—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Also: Senate Bill No. 59—An Act defining the powers and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Also: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians and who are confined at State hospitals for the insane," approved March 23, 1901.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 143—An Act providing for an appropriation of \$1,500.00 for the purchase of a cylinder printing press for Whittier State School.

Also: Senate Bill No. 144—An Act providing for an appropriation of \$3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of \$2,500.00 for the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 164—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 179—An Act to amend Sections 270, 270a, and 270b of the Penal Code of California.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 625—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Also: Assembly Bill No. 9—An Act to pay the claim of the county of Sacramento against the State of California.

Also: Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Also: Assembly Bill No. 435—An Act to amend Section 6321₂ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout.

Also: Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Joint Resolution No. 9 ordered referred to Committee on Federal Relations.

Assembly Bills Nos. 93, 101, 434, 847, 959, 1048, 1050, 1368, 9, 84, 435, 651, and 924 read first time.

Assembly Bills Nos. 93, 101, 959, 1368, 9, and 924 ordered referred to Committee on Finance.

Assembly Bills Nos. 434 and 435 ordered referred to Committee on Fish and Game.

Assembly Bills No. 847 and 1050 ordered referred to Committee on County Government.

Assembly Bills Nos. 1048 and 651 ordered referred to Committee on Judiciary.

Assembly Bill No. 84 ordered referred to Committee on Corporations.

Senate Bills Nos. 59, 98, 113, 143, 144, 149, 164, 169, 179, 296, 549, 635, and 636 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that, since my message of January 12, 1909, I have made the following appointments, and request your concurrence therein and consent thereto:

January 14, 1909, Mayo Newhall, of San Francisco, a trustee of the State Normal School at San Francisco, vice S. C. Denson, term expired.

January 14, 1909, Henry G. W. Dinkelspiel, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, term expired.

January 18, 1909, J. M. Allen, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, failed to qualify.

January 15, 1909, Thomas Wallace, of San Francisco, Port Warden for San Francisco, vice H. A. Thompson, term expired.

Respectfully,

J. N. GILLETT,
Governor of California.

Message read and referred to Committee on Executive Communications.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 40, entitled "An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the power and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons," without my approval for the following reason:

Senate Bill No. 40 is a companion bill to Assembly Bill No. 390, which I have already approved.

Respectfully,

J. N. GILLETT,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 40 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 94, entitled "An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof," without my approval for the following reasons:

Section 1576 provides that every city or incorporated town, unless subdivided by the legislative authority thereof, shall constitute a separate school district, which shall be governed by the board of education, or board of school trustees, of such city or incorporated town.

The Act is sought to be amended by striking out the words "which shall be governed by the board of education or board of school trustees of such city or incorporated town." I can not understand what purpose is sought by striking out that portion of the section which names the governing body of the school district. No other authority is named as such governing body, nor is there any intention apparently to substitute any other form of administration for such school districts. It does not seem wise to me to make any change in this particular, especially when no change for the better is suggested.

A second amendment seeks to change the manner of collecting taxes for that portion of the school district lying outside the boundaries of such cities or incorporated towns. The section provides that such outside territory shall be deemed to be a part of said city or incorporated town for all purposes connected with the school department thereof, and for the annual levying and collecting of the property tax for the school funds of said city or incorporated town. It should always be borne in mind that the school funds of said city or incorporated town are separate and distinct from the general school funds raised by the board of supervisors or by the State government in the support of the common schools of the State. They are collected by municipal officers and placed in the city or town treasury, and are collected at the same time other city taxes are collected. It is sought by the amendment to have them collected by the county authorities, the money to be paid into the county treasury to the credit of the school district of which said outside territory is a part. I do not apprehend that there will be any serious difficulty in the board of education obtaining control of these school funds, but the money would be absolutely out of the control of the city council, and the requisitions for payments upon such funds would necessarily be made through the county authorities and not through the municipal officers.

The particular objection I have is based upon the fact that the levying and collection of municipal taxes does not conform to the levy and collecting of county taxes. Each municipality collects taxes at the time and in the manner required by its own particular charter. Some collect as early as August in each year, and the entire amount of the municipal tax is collected in one installment. The county taxes are collected in November and April of the ensuing year, in two installments. Much confusion would necessarily result in adopting a form of taxation which would require all those residing within a municipality to pay their special school taxes in one installment at a certain time and permit those residing without the limits of the municipality to pay their special school taxes in two installments, the first in November and the second in April of the next year.

To avoid this confusion and the consequent crippling of the school funds of a city, I believe it to be better to permit the taxes to be collected by one payment to the city tax collector, at the time prescribed by the city charter, even though a portion of the taxpayers may reside outside the limits of the municipality.

J. N. GILLET,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 94 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Weed, Wolfe, and Wright—23.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1909.

To the Senate of the State of California:

I have the honor to return you herewith Senate Bill No. 65, entitled "An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the department of law of the Leland Stanford Junior University, or the department of jurisprudence of the University of California," without my approval, for the following reasons:

Under the Act establishing Hastings College of Law, it is provided that the Chief Justice of the Supreme Court of the State of California may, at any time, require the graduates of that institution to pass an examination before admission to the bar.

There is no reason why the same rule should not apply to the graduates of any other law college in this State, and to adopt this particular Act exempting graduates of the law department of Stanford University and the department of jurisprudence of the University of California would give these graduates an undue advantage over

those from Hastings College of Law. It would act detrimentally to the welfare of the Hastings College, which is recognized as being the best institution of its kind in this State, and would undoubtedly result in a considerable loss of attendance at that institution.

J. N. GILLET,
Governor of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of the question be made a special order for Wednesday, March 3, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of the committee on conference on Senate Joint Resolution No. 3 was received and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—report that we have met with a like committee from the Assembly, composed of Messrs. Drew, Johnson, and Transue, and have been unable to agree, and recommend that a committee on free conference be appointed.

SANFORD (Chairman).
BLACK.
CUTTEN.

Senator Sanford moved that the report be adopted.

Motion carried.

COMMITTEE ON FREE CONFERENCE.

Senator Sanford moved that a committee on free conference be appointed, to meet a similar committee of the Assembly, on Senate Joint Resolution No. 3.

Motion carried.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President pro tem. announced that he had appointed Senators Sanford, Black, and Cutten on the committee on free conference on Senate Joint Resolution No. 3.

LEAVE OF ABSENCE.

The Committee on Corporations was, on motion of Senator Bates, granted leave of absence for this evening.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 144—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor, being

identical with a Senate bill already acted upon—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass, and be referred to the Committee on Finance.

BIRDSALL, Chairman.

Assembly Bill No. 144 ordered referred to Committee on Finance.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Also: Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626c, 626d, 626n, and 627b of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626a and 626e, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 1056—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws, and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature.

Also: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Also: Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

And report that the same have been correctly engrossed.

BIRDSALL, Chairman.

Senate Bills Nos. 17, 185, 904, 1056, 944, 651, 767, and 1082 ordered on file for third reading.

Senate Constitutional Amendment No. 6 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Also: Assembly Bill No. 842—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Also: Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Assembly Bills Nos. 671, 842, and 1103 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 956 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California, by providing for joint institutes or conventions of teachers"—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 633 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 938 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, with the recommendation that it be withdrawn.

LEAVITT, Chairman.

Senate Bill No. 701 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Also: Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, and make an appropriation therefor.

Also: Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof.

Also: Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.

Also: Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Also: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State Prison at Folsom and making an appropriation therefor.

Also: Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, to be known as 'The Commissioners for the Revision and Reform of Law,' approved March 28, 1895,'" approved March 25, 1903, by amending section seven thereof, relating to secretary and stenographer, and the compensation thereof."

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 888 and 736 ordered on file for second reading.

Assembly Bills Nos. 794, 809, 388, 1034, 151, 801, and 756 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Also: Senate Bill No. 974—An Act to provide for the purchase of portraits of former Governor George C. Pardee and Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco, etc.

Also: Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel river from erosion by means of jetty work and riprap along the banks thereof.

Also: Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 821, 974, and 485 ordered on file for second reading.

Assembly Bills Nos. 620 and 696 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 1123 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 699 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 1, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 1009—An Act to provide for the parole of prisoners con-

fined in county jails and city prisons and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MARTINELLI, Chairman.

Senate Bill No. 1009 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Senate Joint Resolution No. 19 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Assembly Bills Nos. 1082 and 984 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to population of counties.

Also: Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.

Also: Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Also: Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Also: Assembly Bill No. 1033—An Act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Assembly Bills Nos. 1084, 1085, 1007, 955, and 1033 ordered on file for second reading.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEWIS, Chairman.

Assembly Bill No. 1119 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral, inheritances, bequests, and devises to provide for the collection and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14¹/₂.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Reilly, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 781—An Act to amend Section 392 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 781 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Hurd, Lewis, Martinelli, McCartney, Miller, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291—An Act granting the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pier head line of San Diego harbor, as said lands are now established or as they may be hereafter established.

On motion of Senator Wright Senate Bill No. 291 was temporarily passed on file, to retain its place.

Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905.

Senate Bill No. 535 temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL OF BILL.

Senator Birdsall asked for and was granted unanimous consent to withdraw Senate Bill No. 276—An Act to add a new section to the Political Code of the State of California, to be numbered 1195a, relating to the submission of amendments to the Constitution.

Senate Bill No. 276 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the building and loan commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 982 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. T. Brown of Rio Vista.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Senate Bill No. 767 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion carried.

Time, eleven o'clock and fifty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Walker, Weed, Willis, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock M., Senator Thompson was brought to the bar of the Senate, and, on motion of Senator Leavitt, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and four minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 17 was passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Burnett, Campbell, Cartwright, Curtin, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Reily, Sanford, Savage, Thompson, Walker, Weed, and Willis—21.

NOES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Cutten, McCartney, Roseberry, Rush, Stetson, Wolfe, and Wright—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Curtin moved that all special orders relating to Senate bills and amendments be considered on this day, immediately after the consideration of the file of Assembly bills.

Motion carried.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Bell asked for and was granted unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Bell: Senate Concurrent Resolution No. 13—Relative to approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

Senate concurrent resolution referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Bell, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 13.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 9—Resolution relating to Federal improvement of Newport Bay, in Orange County—have had the same under consideration, and respectfully report the same back, with the recommendation that same be adopted.

BURNETT, Chairman.

Assembly Joint Resolution No. 9 ordered on file.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Willis, relating to tide lands, have had the same under consideration, and respectfully report the same back, with the recommendation that the Constitution be suspended and the bill permitted introduction.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Willis be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Hartman, Holohan, Hurd, Leavitt,

Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.
NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Willis: Senate Bill No. 1241—An Act amending the Political Code of the State of California by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof.

Bill read first time, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 1241.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 936 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Hartman, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Thompson, Walker, Weed, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229—An Act to establish and support a Bureau of Immigration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Campbell, Hartman, Hurd, Martinelli, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.
NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five,

eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section "twelve hundred *a*," and "section twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

Read third time.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Bill No. 133 be made a special order for Wednesday, March 3, 1909, immediately after the consideration of the special orders heretofore set.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 624—An Act to define personal property brokers and regulate their charge and business.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

By striking out the enacting clause, and inserting in lieu thereof the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 624, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 281—An Act to amend Section 397*b* of the Penal Code, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

On motion of Senator Black, Senate Bill No. 281 was temporarily passed on file, to retain its place.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197*a*, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

On motion of Senator Boynton, Senate Bill No. 249 was temporarily passed on file, to retain its place.

Senate Bill No. 905—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county,

city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act." approved March 20, 1903.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 905 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Hartman, Hurd, Leavitt, Martinelli, McCartney, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 570—An Act to add a new section to the Political Code, to be known as Section 1197*c* thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

On motion of Senator Boynton, Senate Bill No. 570 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 40 was temporarily passed on file, to retain its place.

Senate Bill No. 184—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

On motion of Senator Willis, Senate Bill No. 184 was temporarily passed on file, to retain its place.

Senate Bill No. 67—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1075 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cullen, Hurd, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester and relating to their duties and terms of office.

On motion of Senator Holohan, Senate Bill No. 455 was temporarily passed on file, to retain its place.

Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,'" approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

On motion of Senator Martinelli, Senate Bill No. 995 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Birdsall asked for, and was granted, unanimous consent to withdraw Senate Bill No. 331—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.

Senate Bill No. 331 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

On motion of Senator Birdsall, Senate Bill No. 728 was temporarily passed on file, to retain its place.

Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Senate Bill No. 530 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." approved March 31, 1891, as amended by a certain Act provided March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 717 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the costs for such insurance from the revolving fund for the purchase of jute.

On motion of Senator Martinelli, Senate Bill No. 934 was temporarily passed on file, to retain its place.

SENATE CONCURRENT RESOLUTION NO. 11.

Relative to the appointment of President Lincoln Monument Commission.

Resolved by the Senate of the State of California, the Assembly concurring. That the Lieutenant-Governor shall appoint two members of the Senate, and the Speaker of the Assembly shall appoint two members of the Assembly, and the Governor of the State of California shall appoint a citizen of the State of California, to act in conjunction with the trustees of the President Lincoln Monumental League, or their successors, who at present are W. W. Stone, James D. Phelan, Horace Davis, E. B. Pond, and C. Mason Kinne, as follows: 1, for the purpose of selecting a site, together with plans, specifications, and models for a memorial monument of Abraham Lincoln, and estimates and bids therefor, the sum total of all costs, charges and expenses, estimates and bids to be not more than one hundred thousand dollars, of which sum, fifty thousand dollars shall be hereafter contributed by said President Lincoln Monumental League; 2, for the purpose of determining, and reporting to the Legislature of the State of California, the advisability of the erection within the State of California of a President Abraham Lincoln memorial monument, as herein above set forth, and the appropriation by the Legislature of fifty thousand dollars as a contribution therefor. There shall be no cost, charge, or expense, or liability upon the State of California from, or by reason of, any of the above matters or proceedings herein provided for.

Senate concurrent resolution read, and adopted.

Senate Concurrent Resolution No. 11 ordered engrossed and transmitted to the Assembly.

Senate Concurrent Resolution No. 12—Relative to the acting Railroad Commissioners of the State of California, and their removal from office.

On motion of Senator Caminetti, Senate Concurrent Resolution No. 12 was temporarily passed on file, to retain its place.

COMMUNICATION.

The following communication was presented by Senator Caminetti and ordered printed in the Journal:

MINUTES OF STATE BOARD OF RAILROAD COMMISSIONERS.

January 7, 1907. Board met. Present: Full board. Board organized by electing A. C. Irwin president, and elected a secretary. The second Tuesday of each month was fixed as regular meeting day. Certain bills were approved. Board adjourned.

February 12, 1907. Board met. Present: Full board. The secretary reported receiving the limited passenger rates No. 1 (superseding passenger special No. 3) effective January 5, 1907, from the Northwestern Pacific Railroad Company. Certain bills were approved. Board adjourned.

March 13, 1907. Board met. Present: Irwin and Wilson. Certain bills approved. Board adjourned.

April 9, 1907. Board met. Present: Full board. Bills approved. Board adjourned.

May 14, 1907. Board met. Present: Full board. Bills approved. Board adjourned.

June 11, 1907. Board met. Present: Irwin and Wilson. The secretary reported having received freight and passenger tariffs from the following railroad companies (superseding and canceling other tariffs): Nevada-California-Oregon Railway Company; Lake Tahoe Railway & Transportation Co.; Diamond & Caldor Railway Company. The secretary reported having sent blank forms to the various railroad companies for the annual report for the year ending June 30, 1907. Bills approved. Board adjourned.

July 9, 1907. Board met. Present: Irwin and Wilson. The secretary reported having received freight and passenger tariffs from the Ocean Shore Railway Company.

Letter was received from the South Eureka Mining Company calling the attention of the board to the excessive rates charged on freight from Ione to Martell. The secretary was instructed to write the following letters:

SAN FRANCISCO, July 15, 1907.

H. MALLOCK, *President South Eureka Mining Company.*

925 Franklin street, San Francisco, Cal.

DEAR SIR: We find upon investigation that, as yet, the railroad company operating between Ione and Martell has filed no tariffs for freight or passengers, and we have this day sent for the same. It will then be taken up by the board at next meeting.

Also the following letter:

SAN FRANCISCO, July 15, 1907.

D. MCCALL, *Manager Ione and Eastern Railway Co., Ione, Cal.*

DEAR SIR: This board has never received the freight and passenger tariffs of your road. Will you kindly file the same. A complaint has been made by the South Eureka Mining Company, stating that the rate on lumber, oil, and supplies is excessive, it being slightly less than the rate from San Francisco to Ione. I might suggest that in filing your schedule you accompany it with a statement showing cost of operating and such other facts as you may deem essential in justifying the charges made.

A letter was received from H. W. Bishop, Oakland, and the secretary was instructed to write the following letter:

SAN FRANCISCO, July 13, 1907.

C. W. LEHMER, *Superintendent and Traffic Manager.*

Yosemite Valley Railway Co., Merced, Cal.

DEAR SIR: For the simple purpose of ascertaining what your policy will be relative to your recognition of return trip tickets, and with no idea of assuming authority and jurisdiction that does not apply to this board, we are referring to a letter written by you on June 29th, directed to Mr. H. W. Bishop, of Oakland, California, wherein you returned to him the tickets numbered 319, 320, and 324, stating that you are not responsible for their non-use, and did not see your way clear to refund the amount paid. In this letter you also state that you are running stages and trains daily and were in a position to handle the party at any time, and base your declination upon that fact. It occurs to the board for that reason—that is, your position to handle the party either way—that there would be some justice in their claim. While, on the other hand, had you been compelled to make any arrangement other than the ordinary, they would not stand in the light they do. We beg to state to you also that it is a recognized practice of all transportation companies to take the one way full rate on returns, and refund the balance wherein they are not used, but, as before stated, this board has no desire to assume or demand anything, but suggest an inquiry as to whether this position taken in this particular case will be the position taken in all cases where you are dealing with the traveling public. Respectfully asking a reply, we remain, very truly yours,

Bills approved. Board adjourned.

August 13, 1907. Present: Full board. The secretary reported having received the following tariffs: (Enumerating certain changes in tariffs by the Sierra Valleys Railway Company, the Ocean Shore Railway Company, and the Southern Pacific Company.)

The secretary reported having received the following communication from D. McCall, general and traffic manager of the Ione and Eastern Railroad Company:

IONE AND EASTERN RAILROAD COMPANY.

GENERAL OFFICE, SAN FRANCISCO.

IONE, CAL., July 27, 1907.

GENTLEMEN: I have received your letters and promptly forwarded as soon as received to J. A. McPherson, 811 Turk street, San Francisco, as he is secretary of the Ione and Eastern Railroad Company. Why he has not answered you is more than I can tell, as he has all the dates, schedules, and facts there, and is in position to give you what information you want. I might say, however, that our rates are not excessive, as the road was a very expensive one to construct, and also very expensive to operate, owing to the short haul, the expense per mile being considerable more than it would be if the road were longer. The business over the road is light and to lower our rates would make the thing a losing proposition. Even as it is I can not possibly make the thing pay. Mr. McPherson will show our books and the exact condition of affairs. Should he fail to attend to this, as I have requested, kindly let me know at once, and as I will be in the city in a few days I will call on you and go over the whole matter with you.

COMMUNICATION FROM J. A. McPHERSON.

GENTLEMEN: In reply to yours to D. McCall and also to myself, under date of July 29th, I am preparing the information and statement for your board, and hope to have the same ready for presentation shortly. Owing to lack of help I am behind in my office work; hence my inability to furnish data requested immediately.

Yours truly,

J. A. McPHERSON.

The secretary reported having received the following letter from O. W. Lehmer, of the Yosemite Valley Railroad Company, and copy of letters sent to H. W. Bishop, Oakland, Cal.:

DEAR SIR: I have your letter of July 13th in reference to refund on unused portion of tickets 319, 320, and 324. We have built eighty miles of road through a sparsely settled country, and where the cost of construction was excessive, and of course we feel we are entitled to all of the business tributary to our line. When we opened for operation we had opposition from various concerns, some of which you may be familiar with, and we found there was an effort on the part of certain interests to divert business from us, and we took the position of refusing certain refunds in order to discourage this opposition. We intend eventually to settle such claims on the basis of refunding on unused portions of tickets the difference between the one way fare and the price of a round trip, which in this case would be \$8.50. Wish to thank you for your kindly suggestion and interest in the matter, and assure you that we will be pleased to hear from you at any time you have anything that you think might be to our interest.

Yours truly,

O. W. LEHMER.

The following letter was sent to Mr. H. W. Bishop, Oakland:

MR. H. W. BISHOP, *Office Ye Liberty Playhouse, Oakland, Cal.*

DEAR SIR: You will see from the enclosed letter that the Yosemite Valley Railroad Company intends to settle all such claims as in question. We now advise you to take the matter up with them personally. We are enclosing copy of letter and unused tickets.

Very truly yours.

Bills approved. Board adjourned.

September 10, 1907. Present: Full board. The secretary reported having received tariffs from the following railroad companies: Ocean Shore Railway Company and Tonopah and Tidewater Railroad Company (canceling other rates).

The secretary reported having received annual reports from the following railroad companies for the year ending June 30, 1907: Yosemite Valley Railroad Company, San Pedro, Los Angeles and Salt Lake Railroad Company, and Yreka Railroad Company.

The following communication was received from Sinsheimer Bros., San Luis Obispo, Cal., and the secretary instructed to send the following answer:

To the Honorable Board of Railroad Commissioners of the State of California.

GENTLEMEN: 1. May a transportation company raise its freight rate on any commodity without the permission of your body? 2. Need a transportation company give shippers notice of any raise in freight rates previous to such time such raise goes in effect? If so, how much?

Respectfully,

SINSHEIMER BROS.

ANSWER.

SINSHEIMER BROS., *San Luis Obispo, Cal.*

GENTLEMEN: Your esteemed favor of August 31st was taken up by the board at their last meeting, and I am directed to inform you that the transportation company should not raise a rate once reduced without having it first approved by this at their last meeting, and I am directed to inform you that the transportation companies to compel them to publish previous notice of a raise in tariff.

Yours respectfully,

Bills approved. Meeting adjourned.

October 8, 1907. Present: Full board. The secretary reported having received the annual reports for the year ending June 30, 1907, of the following railroad companies: (naming several companies.)

The following letter was received by Commissioner Irwin:

IRON, A. C. IRWIN, *Sacramento, Cal.*

DEAR SIR: Enclosed find freight bill No. 1298. This had been paid at the rate of 18 cents per 100 pounds. Since paid they have raised the rate—or a few days before—from 18 cents to 19 cents. The haul is about forty miles. We have paid the railroad people an 18-cent rate on mineral water for about six years. Now the rate is raised from 18 cents to 19 cents per 100 pounds. As you are the commissioner from this district, I have sent the freight bill to you personally. I also intend to write to the secretary of the Railroad Commissioners, asking him to personally call on you for freight bill No. 1298, so as to present it before the Railroad Commissioners. If the railroad people insist on this rate, kindly let me know when the matter will come up, so I can be there with my attorney.

Respectfully yours,

E. J. DYAS.

The secretary was instructed to write the following:

SAN FRANCISCO, October 8, 1907.

E. J. DYAS, *Woodland, Cal.*

DEAR SIR: We have investigated the matter of rates on mineral water between Williams and your city. The agent at Woodland has been making a mistake in the amount of rate charged on shipments since the first day of January, 1906. The original tariff was a little ambiguous, and it would appear that the rate of 18 cents was intended to apply on less than carload shipments, when in fact it was intended only to apply on carload lots, and correction was made on January 1, 1906, to this tariff endeavoring to make it plain, showing that the rate on less than carloads was 19 cents per 100 pounds, and not 18 cents. If there is anything else that is desired in this regard, please advise, and we will take pleasure in taking it up. By order

BOARD OF RAILROAD COMMISSIONERS.

Bills approved. Board adjourned.

November 12, 1907. Present: Full board. The following resolution was adopted: "Resolved, That the secretary be instructed to obtain from the Interstate Commerce Commission all data pertaining to alleged rebates and discriminations within the State of California."

The following tariff was received and ordered placed on file: Ocean Shore Railroad Company.

The following letter was read from the Butte County Railroad Company:

Will you kindly advise if it is the intention of your honorable body to change the annual report of railways to conform to the new classification of accounts as prescribed by the Interstate Commerce Commission, effective January 1, 1907. This road does not come under the jurisdiction of the Interstate Commerce Commission, and hence if no change is to be made in the said report it will not be necessary for us to change our present system of accounts and records.

Yours truly,

BUTTE COUNTY RAILROAD.

ANSWER.

Butte County Railroad Company.

GENTLEMEN: We are in receipt of yours of October 23d, and in reply will state that there will be no change in the form of our reports of railroads operating within this State.

BOARD OF RAILROAD COMMISSIONERS.

The following letter was read from Sinsheimer Bros., and the secretary instructed to make the following reply:

SAN LUIS OBISPO, CAL., September 15, 1907.

To the Honorable Board of Railroad Commissioners, *San Francisco, Cal.*

GENTLEMEN: Your letter of the 13th to hand. Previous to some time between January 1st and April 1st of this year the freight rate on grain in carload lots between San Luis Obispo and Los Angeles over the Southern Pacific Company was

\$2.80 per ton, and via Pacific Coast Company \$2.60 per ton. On or about the above date the rate was raised by both companies to \$3.00 per ton. Will you kindly advise us if these transportation companies received permission from your body to so raise the rates.

Very respectfully,

SINSHEIMER BROS.

ANSWER.

SINSHEIMER BROS., *San Luis Obispo, Cal.*

GENTLEMEN: In reply to yours of September 15th, would state that the rate in grain, all rail, from San Luis Obispo to Los Angeles up to July 18th was \$2.80 by the Pacific Coast S. S. Co. and rail to Los Angeles, \$2.65. On July 18th the Pacific Coast S. S. Co. raised their rate to \$2.85. The Southern Pacific hearing of this, advanced its rate to \$3.00, believing that rail service was worth more than steamer, especially when there were two transfers when shipping via steamer route to Los Angeles. Those rates remained in effect until July 1, 1907, when the Pacific Coast S. S. Co. for some reason advanced its rate from San Luis Obispo to Los Angeles to \$3.00 per ton, believing, I presume, that they should receive that revenue for the service performed. The all-rail rates were not advanced, for the reason that the rates from San Joaquin Valley were \$3.00, and the rates north of San Luis Obispo were also \$3.00, where no water competition existed. After careful investigation I find that the lower rate mentioned was not a rate set by any of the previous boards of railroad commissioners. Not having been a rate established by the board, a ruling has been made that the railroads have the privilege of raising the rates without first consulting the board. If the rate in your judgment is too high, the board will be pleased to take the matter up under the former complaint. Please accept the apology of the writer for the delay in transmitting this reply, it being due to his absence from the State.

Very truly yours,

A complaint was received from the Culver Lumber Company of Los Angeles, complaining about an overcharge on shipment of lumber shipped from San Pedro wharf to Pasadena over the Southern Pacific to Los Angeles, and over the Santa Fe from Los Angeles to Pasadena.

The answer of the commissioners to Culver Lumber Company contained among other things the following language: "There is no through tariff in effect over the route formed by the Southern Pacific from San Pedro to Los Angeles, and the Santa Fe from Los Angeles to Pasadena, consequently the Santa Fe agent at Pasadena had no option in the matter and was compelled to apply the Santa Fe local rate from Los Angeles to Pasadena, plus the local rate of the Southern Pacific from San Pedro to Los Angeles, which is \$1.20 per ton, making the through rate formed by the combination of locals \$2.20."

A complaint was also received from the Culver Lumber Company of Los Angeles with regard to an overcharge of 8 cents per hundred pounds on lumber shipped from East San Pedro to Earl Station and forwarded to Santa Monica.

The answer of the commissioners stated, among other things, the following: "There is no through rate in effect from East San Pedro to Santa Monica over the route this shipment moved. Under these circumstances each of the carriers involved were obliged to assess their local rate."

The following letter was received:

LOS ANGELES, CAL., November 7, 1907.

To the State Railroad Commissioners.

GENTLEMEN: Will you kindly inform me why it is that the Southern Pacific charges \$1.25 per 100 pounds on first-class freight from Los Angeles to Calexico, California, and only sixty cents per 100 pounds from San Francisco to Los Angeles? It is double the distance from here to San Francisco than from here to Calexico.

Yours respectfully,

VICTOR ROTTMAN.

ANSWER.

DEAR SIR: Replying to your favor of November 7th, the rate of 60 cents per 100 pounds between San Francisco and Los Angeles is allowed on account of water competition.

Bills approved. Board adjourned.

December 10, 1907. Present: Irwin, Summerland, and Loveland.

The following railroads have filed their freight and passenger tariffs in response to a letter from the secretary requesting them to do so: (naming railroads.)

A complaint was received from J. W. Fanshier of Imperial with regard to not being allowed to use second-class tickets on train number 22 eastbound. The answer of the Commissioners states, among other things: "It is also within the railroad company's power to designate the train upon which they will accept second-class passenger rates."

Bills approved. Board adjourned.

January 14, 1908. Present: Full board.

The following letter was received:

LOS ANGELES, CALIFORNIA.

Board of Railroad Commissioners.

SIRS: I wish to inquire whether your board regards as railways under your jurisdiction these roads like the Pacific Electric and Interurban Railways in this city and adjacent territory that carry passengers not only upon the streets of this city and of suburban cities and towns, but also run partly on private rights of way and also transport goods and merchandise the same as regular steam roads do, or do you regard them merely as street railways? How and why is the line of discrimination drawn? If the electric roads are under your jurisdiction, have you, first, schedules of rates for them as the law requires you to do, and are they required to be posted at their offices and stations. The people of this city are getting in that frame of mind where they will soon be inclined to go after the roads or go after the commission. By giving me such information as you can and by forwarding me your most recent reports and decisions you will greatly oblige,

Yours respectfully,

EDGAR LEAVITT.

(No answer was sent to this letter.)

The following letter was also received:

SILVER LAKE, CAL., December 14, 1907.

DEAR SIRS: I live in the desert, and I am in business here. The water here is not fit to drink, containing too great amount of soda, borax, and alkalies, and we must ship in mineral waters for domestic purposes. I am asking if you can't see to this as a benefit to the pioneers that are building up the desert that we may get our empty water bottles shipped back free.

J. Y. ANDERSON.

The secretary was instructed to reply to the effect that it was not within the province of the board to comply with his request.

A communication was received from Reed & Dozier, attorneys at Redding, Cal., stating that a new railroad, The Sacramento Valley & Eastern, had just been completed, and that they desired to establish freight and passenger rates. The letter stated among other things: "Considering the constitutional provision as to the power and authority of the railroad commissioners and the statutory enactments passed thereon, we desire to be informed as to the schedules established by the railroad commission, and the rules, and regulations promulgated by it. Has the railroad commission established any general schedule of rates for fares and freight for railroads operating within the State of California? We desire to be informed whether or not the directors of the Sacramento Valley and Eastern Railway, under present laws and regulations have the power and authority to frame and put into operation a schedule of rates of fares and freightage. In other words, does this company take the initiative and operate its road subject to the intervention of the railroad commissioners or do the railroad commissioners frame a schedule for the use of each particular road?"

ANSWER.

GENTLEMEN: In answer to your esteemed favor we wish to inform you that the first step necessary would be for you to file the regular tariff, basing the rates upon the cost of construction, running expenses, etc., netting an income commensurate with the investment, etc.

The following communication was received:

As a matter of information and guidance in handling our business in your state will you please advise as to the rules regarding demurrage charges and the application thereof in connection with any rules or opinions by your body in connection therewith, and particularly if your views are at all at variance with the published rules in your state. Your reply at an early date will be greatly appreciated. Thanking you in advance we are

Respectfully yours,

SWIFT & CO., Chicago, Ill.

The secretary was instructed to reply that the authority of the board does not include demurrage charges.

The following resolution was offered by Commissioner Loveland, and adopted by the board:

WHEREAS, Under the Constitution and laws of California it is the duty of the Board of Railway Commissioners to make all tariffs for transportation companies doing business as common carriers in said state, and to publish the same from time to time; and

WHEREAS, An actual compliance with the provisions of said Constitution and laws is prevented by the fact that there has been no appropriation to cover the expense of such proceedings by said commission; and

WHEREAS, A substantial compliance with the provisions of said Constitution and law may be had by the commission adopting rates of the various transportation companies now in effect to the extent that they may be considered the commissioners' rates, subject, however, to review and correction upon complaint and hearing; and

WHEREAS, It does not appear from the records of this board that the rates in effect in this State have ever been adopted by this board; and,

WHEREAS, Such action on the part of this board seems to be necessary to complete the placing of the transportation companies properly within its control and jurisdiction; now, therefore, be it

Resolved, That the rates published by the various transportation companies in this State and now in effect in their various lines be, and they are hereby, adopted as the rates of this commission, subject, however, to review and correction upon complaint and investigation or hearing of said complaint by this commission.

Bills approved. Board adjourned.

January 14—Special meeting. A special meeting was called by the president and the following resolution adopted:

WHEREAS, Subsequent to the regular meeting held January 14, 1908, it was discovered that the statement that no rates had been established by the board; and

WHEREAS, Upon the discovery that the record and minutes of former boards disclose the fact that rates were established; now, therefore, be it

Resolved, That the resolution above mentioned be and the same is hereby rescinded.

Board adjourned.

On February 11, 1908, partial passenger and freight rates were established for the Southern Pacific Railroad Company and other companies, and at subsequent meetings of the commission up to the present month additional schedules of rates have been regularly adopted.

The minutes of the Board of Railroad Commissioners from January 5, 1903, when a new board was organized, of which present Commissioner Irwin was a member, up to January, 1907, show that no rates were established or attempted to be established by the commission. During that time the minutes do not show any order or resolution establishing any uniform system of accounts.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge Frank R. Devlin of Vallejo.

Also:

On request of Senator Hurd, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. A. P. Fleming, Willis H. Booth, L. R. Hewitt, and J. R. Hunt of Los Angeles.

Also:

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James Ferguson of San Francisco.

Also:

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James Wilson of San Francisco.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. L. McEnney of San Francisco.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Geo. B. Graham of Fresno.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations—the same was taken up for consideration.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 4-5, strike out the words "one fifth", and insert in lieu thereof the following: "twenty per cent".

Also:

On page 5, Section 2, line 128, strike out the words "a majority", and insert in lieu thereof the following: "sixty per cent".

Also:

On page 10, Section 5, line 1, strike out the figure "5", and insert in lieu thereof the following: "6".

Also:

On page 10, Section 6, line 1, strike out the figure "6", and insert in lieu thereof the following: "7".

Also:

On page 10, Section 7, line 1, strike out the figure "7", and insert in lieu thereof the following: "8".

And:

On page 10, insert after Section 4 the following: "SEC. 5. If it shall appear from such canvass of the vote that sixty per cent of the vote cast did not vote in favor thereof, there shall be no further proceedings thereunder for the period of two years".

During the consideration of the committee amendments to Assembly Bill No. 240, on motion of Senator Leavitt, the time for consideration of the file of Assembly bills was postponed until after the consideration of the committee amendments to Assembly Bill No. 240.

The question being upon the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Campbell, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Savage, Strobridge, and Weed—13.

NOES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Holohan, Hurd, McCartney, Miller, Roseberry, Sanford, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—25.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Anthony:

RESOLUTION

Relative to appointment of committee of correspondence to consider immigration of Japanese coolies, importation of trust-made goods, and nullification of State legislation in California.

WHEREAS, The State of California is a loyal and patriotic State of the Union; and WHEREAS, Two industrial invasions menace the welfare of the State of California, being: (1) immigration of coolie laborers from the empire of Japan to displace California labor, and (2) importation of trust-manufactured goods from New England and New York to destroy California capital; and

WHEREAS, The present combination of Japan with New England and New York, for the purpose of denouncing California patriotism, is partly explained by the lucrative interchange of trust-made wares of leather, metal, paper, and rubber of New England and New York, on the one hand, with the coolie-made products of silk, matting, tea, and rice of Japan; and

WHEREAS, The executive branch of the Federal Government is growing independent of the state governments, self-sustaining, and unrepresentative, through suzerainty over discordant military possessions in the four quarters of the globe—in

the Arctic and tropics, in the Caribbean and China seas—and is assuming to nullify proposed anti-Japanese legislation in the State of California by invoking the system so victorious in the pacification of the Philippines and the more recent intervention in Cuba; and

WHEREAS, The present commercialism of New England is consistent with its course in the war of 1812, when, influenced by trade with England, the New England states held aloof from the United States in that war against England, prompting President Madison, in his annual message to Congress, December 9, 1813, to condemn New England's lack of patriotism, as follows: "Supplies of the most essential kind find their way, not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence obtainable with difficulty, if at all, from other sources. Even the fleets and troops infested our coasts and waters are by like supplies accommodated and encouraged in their predatory and incursive warfare." In that war, also, New England convoked the seditious Hartford convention; and

WHEREAS, Japanese colonists direct a boycott against Californians, shown in patronizing and employing only their own race; even articles for Japanese consumption in California being extensively imported from Japan in subsidized steamships of the imperial naval reserve; and in twenty years Japanese in the United States have shipped \$200,000,000 in gold from the United States to Japan, accentuating the late financial stringency; and

WHEREAS, Anti-trust laws distinguish the following states: Arkansas, Kansas, Louisiana, Missouri, Mississippi, Nebraska, and Texas; and the states of Idaho, Montana, Nevada, Oregon, and Washington evince a unison of sentiment against Japanese immigration; therefore, be it

Resolved by the Senate. That the President of the Senate appoint a committee of five Senators, to be known as The Committee of Correspondence, which shall serve, without compensation and without expense to the State of California, in conjunction with like committees of correspondence of the states above mentioned, to consider, in a fair, just, and patriotic spirit, the three increasing problems:

- (1) Immigration into the United States of Japanese coolie laborers;
- (2) Importation into one state of trust-made goods of another state;
- (3) Nullification without due process of law of state legislation by the Federal Executive.

Resolution read.

Senator Anthony moved that the resolution be referred to Committee on Labor, Capital, and Immigration.

Motion lost.

Resolution ordered referred to Committee on Federal Relations.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the further consideration of Senate Constitutional Amendment No. 1 be postponed and made a special order for Wednesday, March 3, 1909, immediately after the consideration of the file of Assembly bills.

Motion carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 14—Relative to the formation of new counties and cities and counties—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Stetson moved that the further consideration of Senate Constitutional Amendment No. 14 be postponed, and made a special order for Wednesday, March 3, 1909, at eleven o'clock A. M.

Motion carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Holohan to reconsider the vote whereby Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State—was refused passage, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Holohan moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 220 was refused passage be postponed, and made a special order for Wednesday, March 3, 1909, at eleven o'clock and thirty minutes A. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Also: Senate Bill No. 778—An Act to amend section four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and commissions and reports of the Supreme and Appellate Courts.

And report that the same have been correctly enrolled, and presented the same to the Governor on this second day of March, 1909, at two o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 689 taken up for consideration out of order for the purpose of amendment.

Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Price moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

Amend page 1, Section 2, line 6, by striking out the words "eighteen hundred", where they appear the first time, and inserting in lieu thereof the words "two thousand".

And:

Amend pages 1 and 2, Section 2, lines 6 and 7, by striking out the words "eighteen hundred" where they appear the second time, and inserting in lieu thereof the words "two thousand".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 689, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Chairman.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Anthony, Assembly Bills Nos. 167 and 302 were ordered re-referred to Committee on Military Affairs.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committee were received and read out of order:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Also: Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MARTINELLI, Chairman.

Assembly Bill No. 1111 and Committee Substitute for Assembly Bill No. 753 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 650—An Act to amend Section 637a of the Penal Code of California, and to add thereto three new sections, to be numbered 637b, 637c, and 637d, all relating to protection of wild birds other than game birds, and their nests and eggs—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Assembly Bill No. 650 ordered on file for second reading.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. R. A. Leet of Oakland.

Also:

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Thomas O. Toland of Ventura.

Also:

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. A. H. Elliott of Oakland.

Also:

On request of Senator Strobbridge, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Philip M. Carey of Alameda County.

Also:

On request of Senator Cutten, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Harry A. Buck and Charles H. Miles of San Francisco.

Also:

On request of Senator Martinelli, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. George H. Foster of San Rafael.

Also:

On request of Senator Willis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Walter Midlecoff of Los Angeles.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson Strobbridge Thompson, Walker, and Weed—22.

NOES—Senator Willis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 854—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered —, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements, and prescribing penalties therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller,

Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1165—An Act concerning actions for divorce and annulment of marriage, and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office, and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1165.

An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered one hundred and thirty-two, providing for a divorce examiner and fixing his duties and compensation.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered one hundred and thirty-two, and to read as follows:

132. The judge or judges of each Superior Court of this State shall appoint a competent person as divorce examiner, or may in their discretion appoint more than one and not exceeding in number of divorce examiners appointed the number of judges of such court, and the person or persons so appointed shall hold such position during the pleasure of the judge or judges appointing them, and the order appointing such divorce examiner shall be entered on the minutes of the court and shall state the name, place of business and residence of the person so appointed, and a copy of such order shall be posted and remain posted in a conspicuous place in the office of the county clerk of the county wherein such appointment is made. It shall be the duty of the divorce examiner to appear in behalf of the State in every action for divorce or annulment of marriage brought or pending in his county and make diligent inquiry and examination into the merits thereof during any and all proceedings had therein, and examine all witnesses produced and depositions filed on behalf of each party to such action, and to expose all perjury, fraud, connivance or collusion in such case; he shall receive as his compensation therefor ten dollars for each of such cases to be paid by the plaintiff to the clerk of the court at the time of filing the complaint in such action, and at the conclusion of the hearing or trial of such case the said sum of ten dollars shall be, upon order of the court, paid by the clerk to the divorce examiner. Any necessary expenses of the divorce examiner, incurred by reason of this action, and when authorized by the court, shall be a charge against the county and shall be paid by the county treasurer upon the order of the court.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Walker as a special committee of one to amend, as follows:

By inserting in line 59, page 3, after the word "pipes" the word "and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 797, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 722—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulations," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 722 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1144—An Act to add a new section to the Penal Code, to be known as Section 172a, relating to the selling, giving away or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

By inserting between lines 19 and 20 the following: "*Provided, further, that this Act shall not apply to nor prohibit the sale of said liquor by the owner, manager or lessee of any hotel having fifty or more furnished bedrooms, nor to any club house or home maintained by any universally recognized fraternal organization.*"

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Caminetti, Finn, Hare, Hartman, Kennedy, Martinelli, Willis, and Wolfe—8.

NOES—Senators Bates, Bell, Bills, Black, Cartwright, Curtin, Cutten, Estudillo, Hurd, Leavitt, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, and Wright—22.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1144 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—29.

NOES—Senators Finn, Hare, Hartman, Kennedy, and Leavitt—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Senate Bill No. 249 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, after the word "in" insert the words "incorporated towns".

Amendment adopted.

Also:

On page 1, line 2, of the title, after the word "cities" insert the words "and cities and counties".

Amendment adopted.

Also:

After the word "follows", in the enacting clause, strike out the words and figure "Chapter I" and "Definitions".

Amendment adopted.

Also:

On line 1, Section 1, page 1, strike out the word "title".

Amendment adopted.

Also:

On line 1, Section 2, page 1, after the figure 2, strike out the words "terms defined".

Amendment adopted.

Also:

On line 9, Section 2, page 1, after the word "some" insert the following words: "or any".

Amendment adopted.

Also:

On line 13, Section 2, page 1, strike out the word "domocile", and insert in lieu thereof the word "domicile".

Amendment adopted.

Also:

On pages 1, 2, and 3 strike out the figures in parentheses "(1) to (11) inclusive".

Amendment adopted.

Also:

On page 3, Section 3, line 1, strike out the words "buildings converted or altered".

Amendment adopted.

Also:

On page 3, Section 4, line 1, strike out the words "alterations and change in occupancy".

Amendment adopted.

Also :

On page 3, Section 5, line 1, strike out the words: "Fireproof tenement houses, when required".

Amendment adopted.

Also :

On page 3, Section 5, line 8, after the word "purposes", strike out the words "Chapter 11," and "Fire Escapes".

Amendment adopted.

Also :

On page 3, Section 6, line 1, strike out the words "fire escapes".

Amendment adopted.

Also :

On page 4, Section 6, line 6, strike out the word "municipality", and insert in lieu thereof the words "incorporated towns, cities, and cities and counties".

Amendment adopted.

Also :

On page 4, Section 7, line 1, strike out the word "Bulkhead".

Amendment adopted.

Also :

On page 4, Section 8, line 1, strike out the words "stairs and public halls".

Amendment adopted.

Also :

On page 4, Section 9, line 1, strike out the words "stairways in non-fireproof buildings".

Amendment adopted.

Also :

On page 4, Section 10, line 1, strike out the words "stairways in fireproof buildings".

Amendment adopted.

Also :

On page 5, Section 11, line 1, strike out the words "stairways, continued".

Amendment adopted.

Also :

On page 5, Section 12, line 1, strike out the words "entrance halls".

Amendment adopted.

Also :

On page 5, Section 13, line 1, strike out the words "closet under first story stairs".

Amendment adopted.

Also :

On page 5, Section 14, line 1, strike out the words "Cellar entrances".

Amendment adopted.

Also :

On page 6, Section 15, line 1, strike out the words "wooden tenement houses".

Amendment adopted.

Also:

On page 6, Section 16, line 1, strike out the words "alteration of wooden tenement houses".

Amendment adopted.

Also:

On page 6, Section 17, line 1, strike out the words "combustible materials".

Amendment adopted.

Also:

On page 6, Section 17, line 5, strike out the words "fire department", and insert in lieu thereof the following: "departments of any incorporated town, city, or city and county to which this Act applies, which are now charged with the enforcement of laws, ordinances, and regulations, relating to the erection of buildings, the protection of public health, and police and fire protection".

Amendment adopted.

Also:

On page 6, Section 18, line 1, strike out the words "bakeries and fat boiling".

Amendment adopted.

Also:

On page 6, Section 19, line 1, strike out the words "other dangerous business".

Amendment adopted.

Also:

On page 7, strike out at the top of page, the words and figures "Chapter 111" and "Light and ventilation".

Amendment adopted.

Also:

On page 7, Section 20, line 1, strike out the word "yards".

Amendment adopted.

Also:

On page 7, Section 20, line 3, strike out the words "sections 23" and all the periods following, and insert "Section 23".

Amendment adopted.

Also:

On page 7, Section 21, line 1, strike out the word "yards".

Amendment adopted.

Also:

On page 7, Section 22, line 1, strike out the words "yards of interior lots".

Amendment adopted.

Also:

On page 7, Section 23, lines 1 and 2, strike out the words "yard spaces of lots running through from street to street".

Amendment adopted.

Also:

On page 8, Section 24, line 1, strike out the words "yards of corner lots".

Amendment adopted.

Also:

On page 8, Section 25, line 1, strike out the word "courts".

Amendment adopted.

Also :

On page 9, Section 26, line 1, strike out the words "outer courts".

Amendment adopted.

Also :

On page 9, Section 27, line 1, strike out the words "inner courts".

Amendment adopted.

Also :

On page 9, Section 28, line 1, strike out the words "Inner Courts, Continued".

Amendment adopted.

Also :

On page 9, Section 28, line 1, after the word "court" insert the following :
"including lot line courts".

Amendment adopted.

Also :

On page 10, Section 29, line 1, strike out the words "percentage of lots occupied".

Amendment adopted.

Also :

On page 10, Section 30, line 1, strike out the words "Corner lot defined".

Amendment adopted.

Also :

On page 10, Section 31, line 1, strike out the words "Rear tenements".

Amendment adopted.

Also :

On page 11, Section 32, line 1, strike out the words "percentage of lot occupied".

Amendment adopted.

Also :

On page 11, Section 33, line 1, strike out the word "Height".

Amendment adopted.

Also :

On page 11, Section 34, line 1, strike out the words "Rooms, lighting and ventilation of".

Amendment adopted.

Also :

On page 11, Section 35, line 1, strike out the words "Windows in Rooms".

Amendment adopted.

Also :

On page 12, Section 36, line 1, strike out the words "Rooms, size of".

Amendment adopted.

Also :

On page 12, Section 37, line 1, strike out the word "Alcoves".

Amendment adopted.

Also :

On page 12, Section 38, line 1, strike out the words "Public Halls".

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Whisper and whisper for some time."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Whisper or some time."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the word "Thence."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Additional rooms and hall."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Light and vent exists in existing buildings."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the word "hall" and insert in two places the words "rooms and hall."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Vent exists."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Broomclosets and Cellars."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Broomclosets and Cellars."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Bunk, courts, areas and yards."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Water supply."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the words "Water-closet connections."

Amendment adopted.

Also:

On page 12, Section 33, line 1, strike out the word "Water-closets."

Amendment adopted.

Also:

On page 16, Section 51, line 1, strike out the words "Public Sinks".

Amendment adopted.

Also:

On page 16, Section 52, line 1, strike out the words "Basements and Cellars".

Amendment adopted.

Also:

On page 17, Section 53, line 1, strike out the words "Cellar walls and Ceilings".

Amendment adopted.

Also:

On page 17, Section 54, line 1, strike out the word "Repairs".

Amendment adopted.

Also:

On page 17, Section 55, line 1, strike out the words "Cleanliness of buildings".

Amendment adopted.

Also:

On page 17, Section 56, line 1, strike out the words "Shafts and Courts".

Amendment adopted.

Also:

On page 17, Section 57, line 1, strike out the words "Walls of Courts and Shafts".

Amendment adopted.

Also:

On page 17, Section 58, line 1, strike out the word "Wall-paper".

Amendment adopted.

Also:

On page 15, Section 59, line 1, strike out the words "Receptacles for ashes, garbage and refuse".

Amendment adopted.

Also:

On page 18, Section 60, line 1, strike out the words "Prohibited uses".

Amendment adopted.

Also:

On page 18, Section 60, lines 2 and 3, strike out the words "on the same lot or premises thereof", and insert in lieu thereof the following: "within 20 feet thereof on the same lot".

Amendment adopted.

Also:

On page 18, Section 60, line 5, strike out the following words: "Except that outside of the fire", and also all of lines 6, 7, 8, 9, and 10.

Amendment adopted.

Also:

On page 18, Section 61, line 1, strike out the words "Janitor or housekeeper".

Amendment adopted.

Also:

On page 18, Section 62, line 1, strike out the word "Overcrowding".

Amendment adopted.

Also:

On page 18, Section 63, line 1, strike out the words "Permit to commence building".

Amendment adopted.

Also:

On page 19, Section 64, line 1, strike out the words "Unlawful occupancy".

Amendment adopted.

Also:

On page 19, Section 65, line 1, strike out the word "Enforcement".

Amendment adopted.

Also:

On page 19, Section 65, line 3, strike out the word "City", and insert the following: "Incorporated town, city, or city and county".

Amendment adopted.

Also:

On page 19, Section 65, line 4, strike out the word "such".

Amendment adopted.

Also:

On page 19, Section 65, line 5, after the word "regulations" strike out the period and insert the following: "relating to the erection of buildings, the protection of public health and the police and fire protection".

Amendment adopted.

Also:

On page 19, Section 66, line 1, strike out the word "Violations".

Amendment adopted.

Also:

On page 19, Section 66, line 5, after the word "regulations" strike out the period and insert the following: "of any incorporated town, incorporated city or city and county".

Amendment adopted.

Also:

On page 19, Section 67, line 1, strike out the words "Penalties for violations".

Amendment adopted.

Also:

On page 20, Section 68, lines 1 and 2, strike out "Violation of building laws, ordinances and regulations".

Amendment adopted.

Also:

On page 20, Section 69, line 1, strike out the word "Lien".

Amendment adopted.

Also:

On page 20, Section 70, line 1, strike out the words "Registry of owners' names".

Amendment adopted.

Also:

On page 21, Section 71, line 1, strike out the words "Registry of agents' name".

Amendment adopted.

Also:

On page 21, Section 72, line 1, strike out the words "Service of notice and orders".

Amendment adopted.

Also:

On page 21, Section 73, line 1, strike out the words "Service of summons".

Amendment adopted.

Also:

On page 21, Section 74, line 1, strike out the word "Liens".

Amendment adopted.

Also:

On page 22, Section 75, line 1, strike out the words "Permission of owner".

Amendment adopted.

Also:

On page 22, Section 76, line 1, strike out the words "Rules of evidence".

Amendment adopted.

Also:

On page 22, Section 77, line 1, strike out the words "Title of action and parties"

Amendment adopted.

Also:

On page 22, Section 78, line 1, strike out the words "Jurisdiction and procedure".

Amendment adopted.

Also:

On page 23, Section 79, line 1, strike out the word "Judgment".

Amendment adopted.

Also:

On page 23, Section 80, line 1, strike out the word "Repeal".

Amendment adopted.

Also:

On page 23, Section 80, line 5, strike out the word "city", and insert the following: "Incorporated towns, incorporated city or city and county".

Amendment adopted.

Also:

On page 23, Section 81, line 1, strike out the words "Building Regulations".

Amendment adopted.

Also:

On page 23, Section 82, line 1, strike out the words "Permits, fees and licenses".

Amendment adopted.

Also:

On page 23, Section 82, line 4, strike out the words "tenement house fund", and insert in lieu thereof the following: "general fund of said incorporated town, incorporated city or city and county".

Amendment adopted.

And:

On page 23, Section 82, lines 13 and 14, strike out the words "city treasury and known as the tenement house fund", and insert in lieu thereof the following: "general fund of said incorporated town, incorporated city or city and county".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 322—An Act to make an appropriation for the repair and maintenance, under the supervision, management, and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management, and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Burnett, Caminetti, Campbell, Curtin, Cuten, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Stetson, Strobridge, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, lines 1 and 2, of the printed bill, strike out the following: "relating to county and township officers of the seventh class".

Amendment adopted.

Also:

On page 1, line 10, of the printed bill, before the word "per", insert the word "each".

Amendment adopted.

Also:

On page 4, line 99, of the printed bill, after the word "dollars" insert the word "each".

Amendment adopted.

Also:

On page 4, line 99, of the printed bill, after the word "dollars" insert the word "each".

Amendment adopted.

Also:

On page 5, line 140, of the printed bill, after the word "month" insert the word "each".

Amendment adopted.

Also:

On page 6, line 179, of the printed bill, after the word "January" insert the word "first".

Amendment adopted.

Also:

On page 6, line 201, of the printed bill, after the word "constables" insert the words "and justices of peace".

Amendment adopted.

And:

On page 7, line 218, of the printed bill, strike out the word "Justice", and insert in lieu thereof the word "Justices".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1194—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Read third time.

On motion of of Senator Wolfe, Senate Bill No. 1194 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

To the Senate of California:

Your Committee on Education, to whom was referred Senate Bill No. 1194, Curtin author, was reported by this committee without recommendation. The object of this bill is to provide that teachers in the grammar schools of this State be employed for yearly terms and paid a yearly compensation, instead of for the term taught, and in order to accomplish this end it will require the amendment of many other sections of law which provide for the revenues for the support of the schools, and this change can not be done at this session; therefore, be it

Resolved, That the Superintendent of Public Instruction be, and he is hereby, requested to examine into this subject and report to the session of the Legislature next morning in codified form all the sections of the Political Code necessary to carry into effect the object of Senate Bill No. 1194.

BLACK, Chairman.

During the reading of the report, the following amendment was offered by Senator Caminetti:

Amend by inserting the words "elementary and secondary schools" in lieu of the words "grammar schools" when they occur.

Amendment adopted.

Report and resolution, as amended, adopted.

Senate Bill No. 980—An Act to amend Sections 653c, 653d, and 653l of the Civil Code of the State of California, all relative to coöperative business associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 980 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Campbell, Cartwright, Curtin,

Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Thompson as a special committee of one to amend, as follows:

On page 1, Section 1, line 6, of the second amended bill, after the word "construction" insert the words "or acquisition".

Also:

On page 4, Section 4, line 54, of the second amended bill, after the word "constructed" insert the words "or acquired".

And:

On page 7, Section 8, line 24, of the second amended bill, after the word "completion" insert the words "or acquisition".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 767, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 4, lines 60 and 61, the word "may", and inserting in lieu thereof the following: "will".

And:

Strike out on line 61 the words "be necessary to".

The question being upon the motion to refer.

The roll was called, and the motion carried by the following vote:

AYES—Senators Caminetti, Campbell, Cartwright, Curtin, Hare, Hartman, Holohan, Martinelli, Miller, Sanford, Savage, Welch, Willis, and Wolfe—14.

NOES—Senators Anthony, Bell, Black, Estudillo, Finn, Leavitt, McCartney, Price, and Stetson—9.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 767, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 9, line 2, the words "thirty-first day of December, 1910", and inserting in lieu thereof the following: "March 15, 1911".

Motion lost.

MOTION TO RECONSIDER CARRIED.

Senator Martinelli moved to reconsider the vote whereby the following was carried:

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows: By striking out of Section 4, lines 60 and 61, the word "may", and inserting in lieu thereof the following: "will".

And:

Strike out on line 61 the words "be necessary to".

The motion to reconsider was duly seconded and carried.

The question now being upon the motion to refer.

The motion was lost.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Estudillo, the Secretary was directed to issue a rush order for printing Senate Bill No. 767.

Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 886 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Stetson, Thompson, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, after the word "city" insert the words "city and county".

Amendment adopted.

Also:

On page 1, Section 2, line 2, after the word "city" insert the words "city and county".

Amendment adopted.

Also:

On page 1, Section 2, line 4, after the word "city" insert the words "city and county".

Amendment adopted.

And:

Strike out all of Section 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1042 passed by the following vote:

AYES—Senators Bell, Black, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Rush, Sanford, Savage, Thompson, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 630—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.'"

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 630 passed by the following vote:

AYES—Senators Bell, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Thompson, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 7, of the printed bill, strike out the words "it of", and insert in lieu thereof the words "such municipal corporation of certain".

Amendment adopted.

And:

On page 2, Section 2, of the printed bill, strike out all of lines 14, 15, 16, 17, 18, and 19, and insert in lieu thereof the following: "situated. Said resolution shall contain a description of the sewers, water mains, or other conduits proposed to be constructed and maintained in such other municipal corporation or corporations, and shall designate the streets, or other public places thereof, in, across or along which such sewers, water mains, or other conduits, are so proposed to be constructed and maintained. Said resolution shall be accompanied by a request in writing, that the municipal corporation on behalf of which the same is made, signed by the clerk thereof, be granted permission to construct and maintain the sewers, water mains or other conduits described in said resolution."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

MOTION.

On motion of Senator Savage, Committee Substitute for Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof—was ordered to the foot of the third-reading file.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 3, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 2, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Savage, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. Father Brady.

Also:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. A. Herrick of San Francisco.

Also:

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Paul S. Honsberger of Pasadena.

Also:

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. S. A. Moss.

Also:

On request of Senator Willis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Walter Middlecoff of Los Angeles.

Also:

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Frank Holt and Prof. Theodore Bacigalupi of San Francisco.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Thos. O'Donnell of Coalinga and W. B. Robb of Los Angeles.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. L. McEnney of San Francisco.

Also:

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. A. E. Bolton of San Francisco.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Stetson to reconsider vote whereby Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9 of the Constitution, relative to the compensation of officers, and the extension of the term of officers—was refused adoption, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Stetson moved that the vote whereby Assembly Constitutional Amendment No. 13—Proposed amendment to Article XLI, Section 9 of the Constitution, relative to the compensation of officers and the extension of the term of officers—was refused adoption, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Willis, Wolfe, and Wright—27.

NOES—Senators Kennedy, Leavitt, McCartney, Walker, and Weed—5.

The question being upon the adoption of the Assembly constitutional amendment.

MOTION.

On motion of Senator Stetson, Assembly Constitutional Amendment No. 13 was ordered on file as unfinished business.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Governor's message vetoing Senate Bill No. 65, the same was taken up for consideration.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 65 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—26.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 133, the same was taken up for consideration.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section "twelve hundred *a*," and "section twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Cutten, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 133 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Concurrent Resolution No. 11—Relative to the appointment of President Lincoln monument commission.

Also: Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

Also: Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, to perform certain duties relating to the restraintment of mining debris, the construction of certain works necessary and incident to the restraintment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Concurrent Resolution No. 11 ordered transmitted to the Assembly.

Senate Bills Nos. 624, 58, and Committee Substitute "B" for Senate Bill No. 772 ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Also: Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Also: Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Also: Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity, also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census and by providing a fine for those refusing to give in the school census.

Also: Assembly Bill No. 775—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Assembly Bill No. 1003—An Act to amend Section 607c of the Civil Code of the State of California, relative to fines, penalties, and forfeitures imposed and collected under the provisions of any law of this State, relating to or affecting children or animals, and also relative to the compensation of societies incorporated and organized for the prevention of cruelty to animals.

Also: Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Also: Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Also: Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Also: Adopted Assembly Concurrent Resolution No. 16—Approving eighteen certain amendments to charter of city of Pasadena.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 54, 96, 97, 116, 118, 256, 261, 264, 727, 775, 1003, 1154, 1387, and 1388 read first time.

Assembly Concurrent Resolution No. 16 ordered on file, without reference to committee.

Assembly Bills Nos. 54, 96, 97, 116, 118, and 256 ordered referred to Committee on Finance.

Assembly Bills Nos. 261, 264, 775, 1003, and 1154 ordered referred to Committee on Judiciary.

Assembly Bill No. 727 ordered referred to Committee on Education.

Assembly Bills Nos. 1387 and 1388 ordered referred to Committee on Elections and Election Laws.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Wolfe: Senate Concurrent Resolution No. 14—Relative to final adjournment, March 13, 1909, at twelve o'clock meridian.

Senate concurrent resolution referred to Committee on Finance.

RESOLUTION.

The following resolution was offered:

By Senator Martinelli:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$313.26 in payment of the bills hereto attached, and the Treasurer in directed to pay the same.

H. S. Crocker Company.....	\$31 00
John Breuner Company.....	48 58
Scott, Lyman & Stack.....	47 10
Whiskey Hill Water Company.....	84 00
Kane & Trainor Ice Company.....	56 00
Wells, Fargo & Company.....	14 63
F. R. Pulford.....	19 95
M. Fraler	12 00

Total \$313 26

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also: Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Senate Bill No. 790—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant with a mechanical and electrical laboratory at the California Polytechnic School.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 787, 788, 789, 790, and 795 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 544—An Act making an appropriation of \$19,000.00 for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuance of the location, survey, and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, etc.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing salaries.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 544 and 840 ordered on file for second reading.

Assembly Bill No. 274 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Senate Bill No. 792—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Also: Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory building at the California Polytechnic School.

Also: Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake, in Nevada County.

Also: Assembly Bill No. 959—An Act appropriating the sum of \$2,500 for the purchase of sterilizers and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 93—An Act authorizing and directing the Board of Managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital.

Also: Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 958—An Act appropriating the sum of \$1,000 for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, etc.

Also: Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make an appropriation therefor.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 784, 791, 792, 793, and 794 ordered on file for second reading.

Assembly Bills Nos. 69, 959, 93, 91, 958, 280, and 924 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1181—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Also: Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 1181 and 1237 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 325—An Act to amend section four hundred and eleven of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Senate Bill No. 325 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 977—An Act to add a new section to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Also: Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BATES, Chairman.

Assembly Bills Nos. 977 and 978 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county, and city and county, boards of education with respect to courses of study and the examination and graduation of pupils—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 686 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code by defining the duties of the Superintendent of Public Instruction—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 687 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1071—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Assembly Bill No. 1071 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Assembly Bills Nos. 847 and 1050 ordered on file for second reading.

MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 13—Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 13 ordered on file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Bell asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 13 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 13.

Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

WHEREAS, The city of Pasadena, in the county of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and

approved by the Legislature of the State of California, on the twenty-ninth day of January, nineteen hundred and one (Statutes of 1900-1, page 884); and

WHEREAS, The city council of the said city of Pasadena did by ordinance number nine hundred and eight, adopted by said city council, and approved by the mayor of said city on the twenty-first day of December, nineteen hundred and eight, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of the said city of Pasadena, certain amendments to the charter of said city of Pasadena, to be submitted to the said qualified electors at a special municipal election to be held in said city on the twenty-sixth day of February, nineteen hundred and nine; said amendments being twenty-two in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News; said publication beginning the twenty-first day of December, nineteen hundred and eight, and ending on the thirteenth day of January, nineteen hundred and nine; and

WHEREAS, The city council of said city did, by ordinance number nine hundred and nineteen, adopted by said city council, and approved by the mayor of said city on the twentieth day of January, nineteen hundred and nine, order the holding of a special municipal election in said city of Pasadena, on the twenty-sixth day of February, nineteen hundred and nine, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said city of Pasadena, to wit: The Pasadena Daily News, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22 to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said city of Pasadena; said publication beginning on the twentieth day of January, nineteen hundred and nine, and ending on the thirtieth day of January, nineteen hundred and nine; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify eighteen of the proposed amendments to said charter; and

WHEREAS, The city council of said city of Pasadena in accordance with section ten of article nineteen and section three of article twenty-one of the charter of said city, did meet on the first Monday after the day of election, to wit, the first day of March, nineteen hundred and nine, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined, and declared that a majority of the qualified electors of said city voting thereon, had voted for and ratified eighteen of the said proposed amendments to the charter of said city of Pasadena; and

WHEREAS, The said eighteen amendments to said charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to wit:

Amendment Number One.

That Subdivision Fifteenth of Section 3 of Article 1 be amended to read as follows:

Fifteenth. To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county or otherwise, upon municipal property for all municipal purposes; *provided*, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars worth of taxable property in the said city, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, re-grading, laying out, opening, widening, extending and improving of rights of way, streets, alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein; for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

Amendment Number Two.

That Section 5 of Article 9 be amended to read as follows:

Section 5. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property

for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this charter, *provided, however,* that the council shall have power at any time by ordinance to abandon or re-adopt the modes or systems so provided for, or relative to, or adopt or provide or change different modes or systems for, or relative to, said work and purposes, or any of them, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent assessments for the cost of doing said work or carrying out said purposes.

Amendment Number Three.

That Article 9 be amended by adding thereto a new section to be known as Section 6, and to read as follows:

Section 6. Upon a petition of the owners of a majority of the frontage abutting upon any street or part thereof, the council shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision of enforcement of such lien by the sale of property or otherwise.

Amendment Number Four.

That Article 9 of the charter be amended by adding thereto a new section to be known as Section 7, and to read as follows:

Section 7. The council shall have power by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Five.

That Article 9 be amended by adding thereto a new section to be known as Section 8, and to read as follows:

Section 8. The council shall have power by ordinance to require or provide for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provision for the enforcement of such lien by the sale of such lots or lands, or otherwise.

Amendment Number Six.

That Article 9 be amended by adding thereto a new section to be known as Section 9, and to read as follows:

Section 9. The council shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Seven.

That Article 9 be amended by adding thereto a new section to be known as Section 10, and to read as follows:

Section 10. The performance of any act or work by this article authorized to be done by the council may be delegated to, or done through or by the aid of the board of park, police and fire commissioners or other officers or officer of the city.

Amendment Number Eight.

That Sections 10 and 12 of Article 5 be amended to read as follows:

SECTION 10. The city treasurer shall be ex officio license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall prepare and sign, and upon countersigning by the auditor shall issue all city license certificates, and he shall keep proper books showing all moneys collected by him as tax and license collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as tax and license collector into the city treasury daily and report to the auditor all licenses issued and license charges collected.

Section 12. The city clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He

shall keep all the books properly indexed and open to public inspection when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

Amendment Number Nine.

That Section 9 of Article 5 be amended to read as follows:

Section 9. The treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; *provided, however,* that the treasurer may deposit city moneys with such banks and upon terms and conditions and subject to and upon the requirements, limitations and penalties as provided by an act of the legislature approved March 23, 1907, and acts amendatory thereof, providing for and regulating the deposit of moneys of counties and municipalities of this state with banks and banking corporations.

Amendment Number Ten.

That Sections 1, 2, 3, 4 and 5 of Article 10 be amended to read as follows:

Section 1. The City of Pasadena shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city, authorized so to do by the council; *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council may authorize any officer, board, commission or agent of the city to bind the city, without a contract in writing, and without advertising, for the payment for supplies, labor or other valuable consideration furnished to the city, in an amount not exceeding one hundred dollars, and by motion duly passed by five councilmen, and approved by the mayor, may authorize any officer to so bind the city for said purposes in a larger amount, not exceeding five hundred dollars; *provided, however,* that the respective manager or superintendent of the electric lighting or water departments of the city may contract for the sale of electricity and water respectively by the city upon general forms of contract approved, and at rates fixed, by the city council.

Provided, further, that the restrictions and provisions of this section shall not apply to labor or services rendered by persons in the employ of the city at salaries or wages fixed by ordinance or by this charter.

Section 2. Except as otherwise provided in this charter, all contracts for goods, merchandise, stores, supplies, materials, subsistence or printing for the city or for any of the departments or public institutions thereof, must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice.

Section 3. All bids must be accompanied by a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States for an amount equal to ten per cent. of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Section 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney, as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor.

Section 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certificates of deposit, drafts or checks. He shall retain the certificate of deposit, check or draft of the successful bidder until after the approval by the mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit, check, or draft to such successful bidder.

That Section 3 of Article 6½ be amended to read as follows:

Section 3. All machinery, supplies and materials for the use of this department shall be purchased only on the recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter.

That to Article 6, and immediately after Section 2 thereof, be added a new section to be known as Section 2½, and to read as follows:

Section 2½. All articles, supplies and materials for the use of the park, police and fire departments shall be purchased only on recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this charter.

Amendment Number Eleven.

That Section 3 of Article 6 be amended to read as follows:

Section 3. The board shall have the exclusive management of all lands and real property which may be acquired, set apart or dedicated as public parks or pleasure grounds.

The board shall have authority to cause, direct and regulate the planting, removal, trimming, pruning and care of shade and ornamental trees and shrubbery and grass in any and all of the streets, alleys, public places and grounds of the city. *Provided, however,* that the provisions of this section shall not be deemed to abridge or supersede any of the powers elsewhere in this charter conferred upon the council or upon other officers or officer of the city.

The board shall have authority to establish rules and regulations for the use and government of the parks and pleasure grounds of the city and to provide for the amusement and recreation of the people in such parks and pleasure grounds, and to prohibit the use of drives and ways in any of said parks or pleasure grounds for teaming or other purposes determined by said board to be injurious thereto.

For the purposes declared by this section the board shall upon terms and for compensations fixed by the city council have power to appoint, remove, discharge, and suspend all necessary superintendents, laborers and other employees.

Amendment Number Thirteen.

That Section 1 of Article 20 of the charter be amended to read as follows:

Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same, such approval shall be endorsed upon said map or plat, the approval of the council being evidenced by the certificate of the clerk thereof, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the city engineer, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place, or be subject to any public improvement, without such approval and endorsement.

Amendment Number Fourteen.

That Section 3 of Article 13, be amended to read as follows:

Section 3. In granting franchises the city council shall, subject only to the provisions of the Constitution of the State of California impose such conditions, restrictions and limitations as in their judgment may best subserve the public interest and welfare, but no franchise shall be granted for a longer period than twenty years: *provided, however,* that franchises to construct and maintain street railways upon streets in or over which at the time the franchise is applied for or granted or within two years theretofore are or were constructed, no street railway or railways under franchise from the city, may be granted for a period not exceeding thirty years.

Amendment Number Sixteen.

That Section 5 of Article 19 be amended to read as follows:

Section 5. At all city elections each of the election officers shall receive for his services the same amount as provided by the general law for like service at general elections.

Amendment Number Eighteen.

That Article 3 be amended by adding thereto a new section to be known as Section 1b, and to read as follows:

Section 1b. From and after the first Monday in May, 1909, each member of the council shall receive the sum of five dollars for each meeting of the council which he shall attend, *provided,* that compensation shall not be paid for more than five meetings during each month.

Amendment Number Nineteen.

That Article 3 be amended by adding thereto a new section to be known as Section 1c, and to read as follows:

Section 1c. From and after the first Monday in May, 1909, the salary of the city treasurer and ex officio tax and license collector shall be twelve hundred dollars per annum.

Amendment Number Twenty.

That Article 3 be amended by adding thereto a new section to be known as Section 1d, and to read as follows:

Section 1d. From and after the first Monday in May, 1909, the salary of the city clerk shall be fifteen hundred dollars per annum.

Amendment Number Twenty-two.

That Section 2 of Article 1 be amended to read as follows:

Section 2. The city shall be divided into six wards described as follows, to-wit:

First Ward—All that portion of the city which lies east of the center line of Raymond avenue, west of the easterly line of the old city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900, south of the northerly line of said old city limits and north of the center line of Colorado street.

Second Ward—All that portion of the city which lies west of the center line of Raymond avenue and between the center line of Colorado street and a prolongation westerly thereof on the south, and the line of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and a prolongation thereof, on the north.

Third Ward—All that portion of the city which lies south of the center line of Colorado street east of the center line of Raymond avenue and a prolongation southerly thereof, and west and southwest of a line described as follows, to-wit:

Beginning at the intersection of the center line of Colorado street and the old east city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900; thence south, west and southeasterly along the line of the said old east city limits to the northeasterly corner of lot five (5) Arden road tract, as per map recorded in book 12, page 30 of maps in the office of the county recorder of Los Angeles County; thence southerly along the easterly line of said lot five (5) and a prolongation thereof, to the center line of Arden road; thence southeasterly to the northeasterly corner of lot twenty-three (23) of said Arden road tract; thence southerly along the easterly line of said lot twenty-three (23) and the prolongation thereof.

Fourth Ward—All that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof, and west of the center line of Raymond avenue and a prolongation southerly thereof.

Fifth Ward—All that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and prolongation westerly thereof, and west of the east city limits as described in an amendment to the charter of the city of Pasadena adopted and ratified February 20, 1905.

Sixth Ward—All that portion of the city of Pasadena lying east of the easterly boundary lines of the first, third and fifth wards, as above described.

The city council shall have power to change the boundaries of the said wards by ordinance, but the said boundaries shall not be changed oftener than once in three (3) years; *provided, however*, that when additional territory is annexed to said city the council may by ordinance determine the ward or wards to which said annexed territory shall belong.

That Section 2 of Article 8 be amended to read as follows:

Section 2. One of the members of the council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the state and a resident and qualified elector of the city for a period of at least three (3) years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

AND WHEREAS, The said proposed amendments to the charter of the city of Pasadena, so ratified, are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the Constitution of the State of California.

STATE OF CALIFORNIA,
County of Los Angeles, } ss.
City of Pasadena.

This is to certify that we, Thomas Earley, mayor of the city of Pasadena, and Herman Dyer, clerk of the city of Pasadena, have compared the foregoing proposed and ratified amendments to the charter of the city of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Friday, the twenty-sixth day of February, nineteen hundred and nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Pasadena to be attached this 1st day of March, nineteen hundred and nine.

THOMAS EARLEY,
Mayor of the City of Pasadena.

HEMAN DYER,
City Clerk of the City of Pasadena.

[SEAL]

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this

resolution and concurring therein). That the said amendments to the city charter of said city of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to, the charter of said city of Pasadena.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Weed, and Wright—28.

NOES—None.

Senate Concurrent Resolution No. 13 considered engrossed, and ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

WHEREAS, The joint committees of the Senate and Assembly on Lincoln and Washington memorial exercises, respectively, having approved of the use of four bronze (composite) bas-reliefs, viz: One of Lincoln, one of Governor Gillett, one of Washington, and one of Roosevelt, the first two used on the first occasion, and all being used on the latter, in the Assembly decorations, and the first two being ordered by Chairman Drow of the Assembly committee, and endorsed by Senator Boynton of Senate committee, of said Lincoln memorial committees, and those of Washington and Roosevelt being used in accordance with resolution of said committee on the Washington memorial, on the motion of Senator Leroy A. Wright, after both being informed of their value (viz: fifty dollars (\$50) each) by the maker of the same, Carl Browne, of Labor Knight; now, therefore, be it

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of Carl Browne for the sum of one hundred dollars (\$100) out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same, being the Senate's portion (one half) of the expense incurred as above set forth, for four bronze (composite) bas-reliefs: One of Lincoln, one of Governor Gillett, one of Washington, and one of Roosevelt, which were used on Lincoln and Washington memorial exercises decorations aforesaid, and to be placed by the Sergeant-at-Arms in the State Library forever.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

KENNEDY,
Rt. Sll.
Committee.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutton, Hartman, Holohan, Hurd, Kennedy, Lewis, Martinelli, Price, Reilly, Roseberry, Savage, Thompson, Walker, and Weed—22.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 94—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommo-

dation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 95—An Act authorizing and directing the Board of Managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor.

Also: Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PRICE, Chairman.

Assembly Bills Nos. 94, 95, 276, 278, and 810 ordered referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 1152 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Committee on County Government.

ROSEBERRY, Chairman.

Assembly Bill No. 602 ordered referred to Committee on County Government.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ANTHONY, Chairman.

Assembly Bill No. 167 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ANTHONY, Chairman.

Assembly Bill No. 302 ordered on file for second reading.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 14, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 14,

A resolution to propose to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relative to the formation of new counties and cities and counties.

The Legislature of the State of California at its regular session, commencing on the 4th day of January, A. D. in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature, voting in favor thereof, hereby propose that section three of article eleven of the Constitution of the State of California be amended so as to read as follows:

SEC. 3. The Legislature by general and uniform law, may provide for the formation of new counties; *provided, however,* that no new county shall be established which will reduce any county to a population of less than eight thousand, nor shall a new county be formed containing a population of less than five thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided; *and further provided,* that the Legislature may, without regard to anything herein contained, provide by general and uniform laws for the formation into a consolidated city and county government of any part of a county or counties comprising contiguous municipal corporations, with or without the lands adjacent to said corporations or any of them, and not embraced within the limits of a municipal corporation. No such consolidated city and county shall be formed unless the territory included therein shall have a population of not less than two hundred and twenty-five thousand and an assessed valuation of not less than one hundred and twenty-five million dollars. Nor shall such consolidation be had unless three fifths of the qualified electors of each municipal corporation affected, and of any land adjacent thereto, proposed to be included, voting separately at an election called for that purpose, shall approve such consolidation.

Every municipality so consolidated shall comprise at least one ward of such consolidated city and county, and it shall be competent for the Legislature to provide by such general and uniform law for local exercise by wards or combinations of wards of such police and other powers as the Legislature shall determine to be proper.

Every county shall be liable for its just proportion of the existing debts and liabilities of the county or counties from which it shall be taken.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 14 refused adoption by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutton, Hartman, Hurd, Leavitt, Martinelli, McCartney, Miller, Reily, Sanford, Stetson, Welch, Wolfe, and Wright—21.

NOES—Senators Bell, Bills, Black, Curtin, Estudillo, Finn, Hare, Holohan, Lewis, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, and Willis—17.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Holohan to reconsider vote whereby Senate Bill No. 220 was refused passage, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Holohan moved that the vote whereby Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—26.

NOES—Senators Bates, Burnett, Cutten, Finn, Hartman, Lewis, Savage, Strobridge, and Weed—9.

Senate Bill No. 220—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections within this State.

The vote having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Estudillo, Hare, Holohan, Kennedy, Leavitt, Miller, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—Senators Bates, Bills, Burnett, Cutten, Finn, Hartman, Hurd, Lewis, Martinelli, Price, Reily, Savage, Strobridge, Weed, and Welch—15.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: The undersigned members of the Judiciary Committee, to whom was referred Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers and employees, and defining

offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

Together with Senate Bill No. 27 (Stetson author) and Senate Bill No. 11 (Campbell author) submit herewith a minority report for the following reasons:

In the consideration of these measures before the Judiciary Committee, it developed that Senate Bill No. 27, known as the Stetson bill, provides that the Railroad Commission shall fix absolute, fixed and inflexible rates, while Senate Bill No. 11, known as the Campbell bill, and Senate Bill No. 294, known as the Wright bill, provide that the Railroad Commission shall fix maximum rates. On motion that the bill reported back to the Senate with the recommendation that it do pass should fix the maximum rate, the Judiciary Committee by a vote of ten to nine resolved in favor of the absolute rate. The question turned absolutely upon a constitutional question, those favoring a maximum rate maintaining that under Article 12, Sections 20, 21, and 22, the power to fix any other rate than a maximum rate would be unconstitutional. One of the members of the Judiciary Committee, who had given the matter careful study, and who voted against the motion that the maximum rate theory be adopted, stated to the committee that, in his opinion, when this question was presented to the Supreme Court it would hold that the Constitution provides only for the maximum rate. At least three other members of the Judiciary Committee, who voted against the maximum rate theory, expressed grave doubts as to the constitutionality of the absolute rate, but notwithstanding these fears and doubts they voted and recommended to the Senate the passage of Senate Bill No. 27, which provides for the absolute rates.

The undersigned, being a minority of the Judiciary Committee, are firm in the conviction that the Constitution authorizes the commission to fix no other than a maximum rate, and in view of the doubt expressed by those members who voted for the absolute rate, and believing that it is important that this Legislature should enact such railroad legislation as will insure to the people of the State of California reasonable, just, and equitable rates, and protect them against all discrimination as to persons, firms, corporations, or places, and believing that these results will be best subserved by the passage of Senate Bill No. 294, therefore respectfully recommend that the majority report of the Judiciary Committee in recommending the passage of Senate Bill No. 27 be amended by substituting in lieu of Senate Bill No. 27 Senate Bill No. 294, and that Senate Bill No. 294, as amended, be passed.

WILLIS.
WRIGHT.
WOLFE.
McCARTNEY.
ANTHONY.
SAVAGE.
MARTINELLI.
BURNETT.
ESTUDILLO.

Senate Bill No. 27 ordered on file for third reading.

Senate Bill No. No. 294 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 13—Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 13 ordered to enrollment.

RECESS.

At twelve o'clock and thirty minutes P. M., President pro tem. Wolfe declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1114—An Act to provide for the formation, organization, and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon, or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing, and maintaining such improvements.

During second reading of bill, the following amendments were offered by Senator Thompson:

Amend as follows:

On page 3, Section 2, line 23, strike out the word "best", and insert in lieu thereof the word "last".

Amendment adopted.

Also:

On page 3, Section 2, line 23, after the word "be" insert the word "not".

Amendment adopted.

Also:

Strike out all of line 8, Section 16, after the word "installments", and all of lines 9, 10, 11, and 12 of said section of the printed bill, and insert in lieu thereof the following: "not exceeding ten. When the board has adopted the report and determined the number of equal annual installments in which such assessment shall be raised".

Amendment adopted.

Also:

Strike out the part of lines 18 and 19, of Section 16, of the printed bill, from and including the word "sum", in line 18, to and including the word "continue", in line 19, and insert in lieu thereof the following: "number of equal annual installments in which such assessment is to be raised,".

Amendment adopted.

Also:

Insert in line 24, of Section 16, of the printed bill, before the words "shall constitute" the words: "the total amount assessed against each parcel of land".

Amendment adopted.

And:

Strike out of line 27, of Section 16, of the printed bill, the comma following the word "year" and all the words thereafter in lines 27, 28, and 29 of said section to the period in said line 29, and insert in lieu thereof a semicolon, and after the semicolon the following: "provided, that any or all subsequent installments of the assessment or any parcel of land may, at the option of any person desiring to pay the same, be paid at any time after the first installment becomes due and payable".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

During second reading of bill, the following amendments were submitted by committee:

Strike out all of the title of the printed bill, and insert in lieu thereof the following: "An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure, to be numbered 1580, providing for a procedure for the sale of property belonging to an estate".

Amendment adopted.

Also:

On page 1, Section I, line 10, after the letter "a" strike out the word "mining".

Amendment adopted.

Also:

On pages 2 and 3, lines 35 and 36, strike out the following: "the power to make all needful postponements being hereby vested in the court or judge."

Amendment adopted.

Also:

On page 3, lines 40, 41, and 42, strike out the following: "Upon such hearing witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases."

Amendment adopted.

Also:

On page 3, line 57, strike out the word "lies", and insert in lieu thereof the words "is situated".

Amendment adopted.

And:

On page 3, strike out all of lines, 58, 59, 60, 61, 62, and 63.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402^e, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

During the second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill, by inserting on line 1 thereof, after the word "Code" the words "of California".

Amendment adopted.

Also:

On page 1, after the enacting clause, insert the following: "A new section is hereby added to the Penal Code of California, to be numbered 402^e, and to read as follows":

Amendment adopted.

And:

On page 1, line 1, strike out the word "Section", and insert in lieu thereof the following: "402^e".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

On motion of Senator McCartney. Assembly Bill No. 577 was temporarily passed on file, to retain its place.

Assembly Bill No. 931—An Act to amend Section 444 of the Political Code, relating to transfers of money from one fund to another.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "accured", and insert in lieu thereof the word "accrued".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "Code" insert the words: "of the State of California".

Amendment adopted.

Also:

On page 1, strike out all of Section 2.

Amendment adopted.

And:

Amend the title of the bill by inserting after the word "Code", on line 2 thereof, the words: "of the State of California".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 442—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

During second reading of bill, the following amendment was submitted by committee:

Amend by adding thereto the following: "*provided, however*, that all municipal corporations shall be excepted from the operation of this Act when the right to act as such has been questioned in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the Secretary of State."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 842—An Act to amend Section 10 of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the

State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 4, of the printed bill, strike out the words "board of trustees, powers of".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

During second reading of bill, the following amendments were submitted by committee:

On page 1, of the printed bill, amend the title by adding after the word "teachers", at the end of third line, the following: "and providing a penalty for county superintendents who fail to hold institutes".

Amendment adopted.

And:

On page 1, of the printed bill, line 3, strike out the word "Section" before the number "1560".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, of the printed bill, strike out the word "Section" before the number "1563".

Amendment adopted.

And:

On page 2 of the printed bill strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

During second reading of bill, the following amendment was submitted by committee:

On pages 1 and 2, Section 2, lines 5, 6, 7, 8, 9, and 10, strike out all of said lines of said section, and insert in lieu thereof the following: "an additional stenographer to serve during and immediately preceding and following the regular sessions of the Legislature, at a salary of one hundred and twenty-five dollars per month, for a period not to exceed five months for any one session of the Legislature. He may also appoint one messenger at an annual salary of fifteen hundred dollars. The salaries of such stenographers and messenger shall be payable at the same times, and in the same manner, as the salaries of State officers".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

During second reading of bill, the following amendment was submitted by committee.

On page 1, line 5, of the printed bill, strike out the word "classified", and insert in lieu thereof the word "reclassified".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 650—An Act to amend Section 637a of the Penal Code of California, and to add thereto three new sections, to be numbered 637b, 637c, and 637d, all relating to protection of wild birds other than game birds, and their nests and eggs.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 756 taken up out of order for the purpose of amendment.

Senate Bill No. 756—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE.

Senator Leavitt moved to refer to Senator Wolfe as a special committee of one, to amend, as follows:

By striking out of section 1, line 4, the word "five", and inserting in lieu thereof the following: "six".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 756, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt the Secretary was directed to issue a rush order for printing Senate Bill No. 756.

Senator Wolfe asked for, and was granted, unanimous consent to have Senate Bill No. 485 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2 of title, after the words "funds for the" insert "improvement of San Francisco harbor by the".

Amendment adopted.

Also:

On page 1, line 4 of title, strike out the word "seawall".

Amendment adopted.

Also:

On page 1, line 4 of title, after the word "appurtenances" insert "and necessary dredging and filling in connection therewith".

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "appurtenances" insert "and necessary dredging and filling in connection therewith".

Amendment adopted.

Also:

On page 1, Section 1, line 8, before the words "the board" insert "and necessary dredging and filling in connection therewith".

Amendment adopted.

Also:

On page 1, Section 1, line 9, after the word "construct" insert "and do".

Amendment adopted.

Also :

On page 2, Section 1, line 17, strike out "the time of the sale", and insert in place thereof "date of issuance".

Amendment adopted.

Also :

On page 2, Section 1, line 23, strike out "January", and insert in place thereof "July".

Amendment adopted.

Also :

On page 2, Section 1, end of line 24 and beginning of line 25, strike out "January" and insert in place thereof "July".

Amendment adopted.

Also:

On page 2, Section 1, line 30, strike out "January", and insert in place thereof "July".

Amendment adopted.

Also:

On page 2, Section 1, line 39, strike out "January", and insert in place thereof "July".

Amendment adopted.

Also:

On page 2, Section 1, line 42, after the word "treasurer", insert "and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911".

Also:

On page 2, Section 1, line 42, after the word "each" insert the words "of said bonds".

Amendment adopted.

Also:

On page 2, Section 1, line 43, after the sentence ending with the word "thereon" insert the following sentence and words: "The said bonds signed, countersigned and endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any of either of them, shall have ceased to be the incumbents of such office or offices".

Amendment adopted.

Also:

On page 2, Section 2, line 4, strike out "be signed by", and insert in place thereof "bear the lithographed signature of".

Amendment adopted.

Also :

On page 3, Section 2, line 5, after "urer" (being part of the word "treasurer" commenced at the end of line 4, Section 2, page 2, and ended at the commencement of line 5, page 3, Section 2) strike out the period, and insert "who shall be in office on the second day of July, 1911".

Amendment adopted.

Also:

On page 3, Section 2, line 7, strike out the period at the end of said line, and insert in place thereof a comma, and after such comma insert "unless such accrued interest shall have been, by the purchaser of said bond, paid to the State at the time of such sale".

Amendment adopted.

Also:

On page 3, Section 3, line 1, strike out "one", and insert in place thereof "five".

Amendment adopted.

Also:

On page 3, Section 4, lines 7 and 8, strike out "the San Francisco Seawall Commission", and insert in place thereof "either the Governor of the State or mayor of the city and county of San Francisco".

Amendment adopted.

Also:

On page 3, Section 4, line 9, strike out "these", and insert in place thereof "those".

Amendment adopted.

Also:

On page 3, Section 4, line 14, after "offered" and before the semicolon insert "plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date".

Amendment adopted.

Also:

On page 3, Section 4, line 17, after the sentence ending with "select" insert the following sentence and words: "Before offering any of said bonds for sale, the said Treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale".

Amendment adopted.

Also:

On page 3, Section 4, line 24, after the sentence ending with "sale" insert the following sentence and words: "In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00), for each sale so advertised".

Amendment adopted.

Also:

On page 3, section 4, line 28, after "bonds" insert "except such amount as may have been paid as accrued interest thereon".

Amendment adopted.

Also:

On page 4, Section 4, line 33, strike out "thereto", and insert in place thereof "and necessary dredging and filling in connection therewith".

Amendment adopted.

Also:

On page 4, Section 4, line 37, after the sentence ending with "fund" insert the following sentence and words: "The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the State Treasurer, immediately after such sale, paid into the treasury of the State and placed in the "Second San Francisco Seawall Sinking Fund."

Amendment adopted.

Also:

On page 4, Section 5, line 5, strike out "January", and insert in place thereof "July".

Amendment adopted.

Also:

On page 5, Section 5, line 36, strike out "November", and insert in place thereof "May."

Amendment adopted.

Also:

On page 5, Section 5, line 37, after "fifty" insert "one".

Amendment adopted.

Also:

On page 5, Section 5, line 37, strike out "November", and insert in place thereof "May."

Amendment adopted.

Also:

On page 5, Section 5, line 43, strike out "December", and insert in place thereof "June."

Amendment adopted.

Also:

On page 5, Section 5, line 51, strike out "January" and insert in lieu thereof "July."

Amendment adopted.

Also:

On page 5, Section 5, line 57, after "fifty" and before the comma insert "one."

Amendment adopted.

Also:

On page 6, Section 9, lines 5, 6, and 7, strike out the following: "For the San Francisco Seawall Act", and in a separate line under the same words 'Against the San Francisco Seawall Act', and, on page 7, Section 9, line 8, strike out the words "opposite said lines", and in place thereof insert "For the San Francisco Harbor Improvement Act of 1909", and in the same square under said words the following, in brevier type: 'This Act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Harbor Improvement Fund.' In the square immediately below the square containing said words, there shall be printed on said ballot the words: 'Against the San Francisco Harbor Improvement Act of 1909,' and immediately below said words 'Against the San Francisco Harbor Improvement Act of 1909' in brevier type shall be printed 'This Act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund.' Opposite the words 'For the San Francisco Harbor Improvement Act of 1909' and 'Against the San Francisco Harbor Improvement Act of 1909'.

Amendment adopted.

Also:

On page 7, Section 9, line 12, strike out "Seawall Act", and in place thereof insert "Harbor Improvement Act of 1909".

Amendment adopted.

Also:

On page 7, Section 9, line 14, strike out "Seawall Act", and in place thereof insert "Harbor Improvement Act of 1909".

Amendment adopted.

And:

On page 7, Section 12, line 2, strike out "Seawall", and in place thereof insert "Harbor Improvement".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RESOLUTION--(OUT OF ORDER).

The following resolution was offered:

Resolved. That all leaves of absence heretofore granted by the Senate to committees of the Senate to visit public institutions be, and the same are hereby rescinded, and the committees now absent from the Senate are directed to immediately return.

Resolution read and adopted.

MOTION.

On motion of Senator Wolfe, the Secretary of the Senate was instructed to wire to the absent Senators to return immediately.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bates asked for, and was granted, unanimous consent to have Assembly Bill No. 763 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bates moved to refer to Senator Wright as a special committee of one to amend, as follows:

On page 4, of printed bill, line 36, after the word "include" insert the word "in".

Also:

On page 4, printed bill, lines 36 and 37, strike out the words "such estimated" and insert the following: "a tax upon the taxable property within such lighting district, at the equalized value thereof for that year, sufficient to pay the".

Also:

On page 4, printed bill, lines 40 and 41, after the word "hours" strike out the remainder of that paragraph, and insert in place thereof the words "for lighting such districts".

Also:

On page 5, printed bill, Section 12, line 2, after the word "maintained" strike out the semicolon, and insert in place thereof a comma.

Also:

On page 5, printed bill, Section 12, line 3, after the word "fund" strike out the semicolon, and insert in place thereof a comma.

Also:

On page 6, printed bill, Section 15, line 5, after the word "district" insert the words "at the equalized value thereof".

Also:

On page 6, printed bill, strike out all of Section 16.

Also:

On page 6, printed bill, strike out all of Section 17.

Also:

On page 6, printed bill, Section 18 to be renumbered Section 46.

Also:

On page 6, printed bill, Section 19 to be renumbered Section 17.

Also:

On page 7, printed bill, Section 20 to be renumbered Section 18.

Also:

On page 7, printed bill, Section 21 to be renumbered Section 19.

And:

On page 7, printed bill, Section 22 to be renumbered Section 20.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 763, with instructions to amend, respectfully report the same back, amended as per instructions.

WRIGHT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 14—Relative to the formation of new counties and cities and counties—was this day refused adoption.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass

FINN, Chairman.

Assembly Bill No. 298 ordered on file for second reading.

UNFINISHED BUSINESS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Hurd, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

Also:

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 31?"

On page 1, Section 1, line 5, strike out all of Sections 1 and 2 after the word "unless", and insert in lieu thereof the following:

"1. It is accompanied by the affidavit of all the parties thereto that it is made in good faith and without any design to hinder, delay, or defraud creditors;

2. It is acknowledged or proved, certified and recorded, in like manner as grants of real property;

3. Such mortgage shall also be void as against any such purchasers, creditors or incumbrancers who take possession of such property, or acquire a lien of record or by process of court thereon prior to the recordation of such mortgage".

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 31 by the following vote:

AYES—Senator Savage—1.

NOES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cullen, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Stetson, Walker, Weed, Willis, Wolfe, and Wright—26.

COMMITTEE ON CONFERENCE.

Senator McCartney moved that a committee on conference be appointed to meet a similar committee of the Assembly on Assembly Bill No. 31.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Acting President announced that he had appointed Senators Willis, McCartney, and Wright on the Committee on Conference on Assembly Bill No. 31.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 377.—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General, A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

On motion of Senator Boynton, Assembly Bill No. 377 was temporarily passed on file, to retain its place.

Assembly Bill No. 629.—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the eighth day of October, A. D. 1908.

WHEREAS, The city of Grass Valley has a population of upwards of three thousand five hundred inhabitants, and ever since the year 1893 has been, and is now organized under a freeholders' charter, adopted under section eight of Article XI of the Constitution; and

WHEREAS, It appears from the certificate of J. C. Conway, mayor of the said city of Grass Valley, which certificate is attached to this resolution and made a part thereof, that the electors of said city, at a special election held on the eighth day of October, A. D. 1908, adopted certain amendments to said charter, which amendments are more fully set forth in the said certificate:

Now therefore be it

Resolved by the Assembly of the State of California, the Senate concurring therein, a majority of the members elected to each house of this Legislature voting thereon.

That the amendments to the charter of the city of Grass Valley, as set forth in the certificate of the mayor of said city, which certificate is herewith attached and made a part of this resolution, be and the same are hereby approved as a whole.

In re amendments to the charter of the city of Grass Valley, Nevada County, California.

This certifies: That the board of trustees of the city of Grass Valley, Nevada County, California, being the legislative authority of said city, did by an order and proclamation duly adopt on to wit: August 4, 1908, purpose and submit to the electors of said city, certain amendments hereinafter set forth to the charter of said city, adopted March 13, 1903, to be voted upon at a special election then, and in said order and proclamation called and fixed for that purpose to be held on October 8, 1908.

That said amendments were published for twenty consecutive days, to wit: From August 6, 1908, to August 26, 1908, both days inclusive in the Daily Morning Union, a daily newspaper of general circulation in said city, printed, published, and generally circulated therein.

That more than forty days elapsed between the last publication of said amendments, and the day fixed for said special election.

That on said October 8, 1908, at said special election the said proposed amendments were submitted to the electors of said city for their adoption or rejection; that the said election was lawfully and regularly conducted in every respect, and at the same a majority of the votes cast were in favor of the said amendments.

That the returns of said election were duly and regularly made to the said board of trustees of said city, and the latter on October 9, 1908, duly and regularly canvassed the same, and then and there declared the result, viz: That said amend-

ment No. 1, received 190 votes in favor of its adoption and 74 were cast against its adoption, and that said amendment had a majority of 116 votes in favor of adoption, and was therefore declared adopted.

No. 2 received 162 votes in favor of its adoption, and 103 were cast against its adoption, and that said amendment had a majority of 99 votes in favor of adoption, and was therefore declared adopted.

No. 3 received 146 votes in favor of its adoption, and 121 were cast against its adoption, and that said amendment had a majority of 25 votes in favor of adoption, and was therefore declared adopted.

No. 4 received 149 votes in favor of its adoption, and 115 were cast against its adoption, and that said amendment had a majority of 34 votes in favor of adoption, and was therefore declared adopted.

No. 5 received 178 votes in favor of its adoption, and 84 were cast against its adoption, and that said amendment had a majority of 94 votes in favor of adoption, and was therefore declared adopted.

No. 6 received 174 votes in favor of its adoption, and 89 were cast against its adoption, and that said amendment had a majority of 85 votes in favor of adoption, and was therefore declared adopted.

No. 7 received 145 votes in favor of its adoption, and 122 were cast against its adoption, and that said amendment had a majority of 23 votes in favor of adoption, and was therefore declared adopted.

No. 8 received 157 votes in favor of its adoption, and 109 were cast against its adoption, and that said amendment had a majority of 48 votes in favor of adoption, and was therefore declared adopted.

No. 9 received 174 votes in favor of its adoption, and 91 were cast against its adoption, and that said amendment had a majority of 83 votes in favor of adoption, and was therefore declared adopted.

No. 10 received 176 votes in favor of its adoption, and 90 were cast against its adoption, and that said amendment had a majority of 86 votes in favor of adoption, and was therefore declared adopted.

No. 11 received 146 votes in favor of its adoption, and 128 were cast against its adoption, and that said amendment had a majority of 18 votes in favor of adoption, and was therefore declared adopted.

No. 13 received 137 votes in favor of its adoption, and 132 were cast against its adoption, and that said amendment had a majority of 5 votes in favor of adoption, and was therefore declared adopted.

No. 14 received 150 votes in favor of its adoption, and 120 were cast against its adoption, and that said amendment had a majority of 30 votes in favor of adoption, and was therefore declared adopted.

That said amendments so proposed, submitted and adopted were and are as follows, viz:

Amendment No. 1.

Section 6. The school district of the city of Grass Valley shall consist of all the territory within the same and such outside territory annexed or which may be annexed thereto by the board of supervisors of Nevada County under and subject to the present provisions of the Political Code of California.

Amendment No. 2.

A new clause (n) to be added to Sec. 2 of Article II, viz:

(n.) The board of trustees must employ a competent, disinterested expert accountant, and have him examine the books, accounts, records, condition and affairs of every department, board and officer at least once annually.

Amendment No. 3.

Sec. 8, Article II, to be amended to read:

Sec. 8. The clerk of the board shall be denominated the city clerk and shall act as auditor and ex officio assessor and perform such other duties as the board of trustees may from time to time require. He shall maintain an office at the city hall and attend there during office hours to be fixed by said board. He shall be authorized to administer oaths, without charge, in all matters concerning city affairs.

Amendment No. 4.

Sec. 2, Article II, to be amended to read:

Sec. 2. The board of trustees shall not contract indebtedness on the credit of the city in excess of five thousand dollars, without the consent of two thirds of the qualified electors voting thereon.

Amendment No. 5.

Sec. 13, Article II, is to be amended to read:

Sec. 13. The city board of education shall consist of one member for each general election precinct now or which may be established by the supervisors of Nevada County, within the corporate limits of the city and one for the outside territory now or which may be annexed for school purposes, whose term of office shall be two years.

Such board shall select one of its members as president.

Amendment No. 6.

Sec. 15, Article II, to be amended to read:

Sec. 15. Notice of all school elections shall be given for at least ten days by direction of the board of education which shall appoint the election officers therefor and may provide but one polling place for the entire district, but shall provide a separate ballot box for each precinct. In all other respects such election shall conform to the general laws of the State of California. The first election hereafter for members from the odd numbered precincts shall take place in 1909 and biennially thereafter. The first election hereafter for members from the even numbered precincts shall take place in 1910 and biennially thereafter, and for the member from the outside territory shall take place in 1910 and biennially thereafter.

Amendment No. 7.

Sec. 20, Article II to be amended to read:

Sec. 20. In addition to the board of trustees there shall be elected a marshal, who shall be chief of police, ex officio superintendent of streets, collect all taxes, licenses and assessments not otherwise provided for, levied by lawful authority; a water collector, who shall be ex officio superintendent of the water system and whose duties shall be prescribed by the board of trustees, and a treasurer.

All officers shall be under the supervision, direction and control of the board of trustees who may from time to time prescribe their duties.

The board of trustees may, whenever necessary, place any street work under the direction and control of the engineer or other qualified person.

All officers shall take office at noon on the second Monday of July next succeeding their election and hold the same for the term of two years.

The first election under this amendment shall be held on the third Monday of May, 1911, and the officers elected in November, 1908, shall hold office till the second Monday of July, 1911.

Amendment No. 8.

Sec. 24 of Article II is amended as follows:

Sec. 24. All elections for members of the board of trustees and other officers of the city except members of the board of education shall, after 1909, be held on the third Monday in May of each odd numbered year; the board of trustees shall select for the various precincts boards of election to conduct all elections provided for in this charter; *provided*, that till said board otherwise ordains, all elections held in compliance with the election laws of California as existing January 1, 1889, including the provisions relating to nominations, election proclamations and ballots, shall be sufficient: *provided* that said board shall give previous notice of every election, other than school elections, for not less than ten days; that the returns of all except school elections, shall be made to said board, which shall canvass the returns, declare the result and issue certificates of election to the persons having the highest number of votes for each office voted for. All ballots shall be uniform and printed on paper furnished by said board, at cost.

All officers shall qualify within ten days after the issuance to them of the certificate of election and in case of failure to do so, said board may declare their offices vacant and appoint an incumbent thereto.

Amendment No. 9.

A new section, designated "Sec. 26a", is added to Article II.

Sec. 26a. Instead of making his semiannual reports on the first days of April and October, as provided in Section 26 of this article, the mayor shall within ten days after the first day of January and July of each year, make and file as provided in Section 26, his semiannual reports covering the half year next preceding each report.

Amendment No. 10.

Sec. 28, Article II, is amended to read:

Sec. 28. Any justice of the peace of Grass Valley township shall have jurisdiction to try all cases arising under any ordinance adopted under this charter and shall have all the authority in relation thereto given him by the Penal Code of this State in relation to misdemeanor and an appeal will lie in all cases from his decision, to the superior court of Nevada County, in like manner and grounds as in criminal causes arising under the State law. Such fees shall be received therefor as the board of trustees may ordain. Every sheriff, constable, and policeman residing in the city may make arrests and serve process under said ordinances and shall receive such fees therefor as said board may ordain.

Amendment No. 11.

Sec. 35, Article II, is amended to read:

Sec. 35. The city clerk shall receive such salary, for all the duties performed by him, as the board of trustees may determine not exceeding the sum of one hundred dollars per month.

Amendment No. 13.

Sub. (b) Sec. 1, Article III, to be amended to read:

(b). A property tax, to be levied by the board of trustees upon all property within said city at twelve o'clock M. of the first Monday in March of each year, which may equal, but shall never exceed, seventy-five cents on each one hundred dollars of the assessed valuation of such property.

Amendment No. 14.

A new subdivision (d) to be added to Sec. 1, Article III, viz:

(d). All property and poll taxes shall be levied by an order of the board of trustees adopted and entered upon the minutes and need not be levied by ordinance.

Grass Valley, January 13, 1909.

[SEAL.]

J. C. CONAWAY, Mayor.

Attest:

W. D. HARRIS, City Clerk.

STATE OF CALIFORNIA,

County of Nevada,

City of Grass Valley. } ss.

I, J. C. Conaway, hereby certify that I am the mayor and chief executive officer of the city of Grass Valley, a municipal corporation of Nevada County, California.

That the statements contained in the foregoing certificate are true and correct, and the foregoing are true and correct copies of the amendments to the charter of said city of Grass Valley, adopted at the special election held in said city, on October 8, 1908.

Witness my hand this January 13, 1909, and the official seal of said municipality.

[SEAL.]

J. C. CONAWAY, Mayor.

Attest:

W. D. Harris, City Clerk.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

On motion of Senator Burnett, Assembly Bill No. 61 was temporarily passed on file, to retain its place.

Assembly Bill No. 75—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who

shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court, and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 75 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Holoahan, Hurd, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 445 was temporarily passed on file, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California, to be numbered Section 25, of article one thereof, to read as follows:

Section 25. The people shall have the right to fish along the shores of the ocean, bays, lakes, lagoons, estuaries, and from the banks of all rivers, creeks, streams, and other waters, stocked with fish by the State; *provided*, that the Legislature may by statute, provide for the season when, and the conditions under which, the different species of fish may be taken.

Assembly constitutional amendment read.

During the reading of the Assembly constitutional amendment, the following amendment was submitted by the committee:

On page 1, line 8, strike out everything after the figures "25", and insert in lieu thereof the following:

"The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, prisons, asylums, or other public institutions; and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the private or public lands within this State for the purpose of fishing in any water containing fish that have been planted by the State; *provided*, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken: *and provided further*, that the Legislature shall provide by law for the purchase or condemnation of an easement on the shores of the ocean, bays, lakes, lagoons, and estuaries, and the banks of rivers, creeks, streams, sloughs or other waters, for the right of fishery thereon and therein, the title to which is now in individuals. Such right of fishery is hereby declared a public use, and shall after the purchase or condemnation thereof, be for the use of the people forever, subject to restrictions that may be imposed by general law."

Amendment read, and ordered printed in the Journal.

On motion of Senator Leavitt, Assembly Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

On motion of Senator Welch, Assembly Bill No. 191 was temporarily passed on file, to retain its place.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403 $\frac{3}{4}$, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

On motion of Senator Welch, Assembly Bill No. 193 was temporarily passed on file, to retain its place.

Assembly Bill No. 1030—An Act to amend Section 528 of the Political Code, relating to the printing of the Journals and Appendices of the Senate and Assembly.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1030 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cartwright, Curtin, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

On motion of Senator Thompson, Assembly Bill No. 992 was temporarily passed on file, to retain its place.

Assembly Bill No. 569—An Act to amend Section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 569 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68—An Act to amend Section 1 of an Act entitled "An Act requiring the wardens of State prisons of California to furnish the sheriffs of California, and the bureaus of identification, with certain information concerning convicts, within thirty days after receiving said convicts, and providing for the payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of

regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 68 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168—An Act to repeal Sections 2042 and 2043 of the Political Code of California, relating to the National Guard.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1897 and Section 2107, both relating to the National Guard.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 169 was temporarily passed on file, to retain its place.

Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

Read third time.

On motion of Senator Martinelli, Assembly Bill No. 171 was temporarily passed on file, to retain its place.

Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 723 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 576—An Act to amend Section 1312 of the Code of Civil Procedure, relating to contesting the probate of wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1160—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1160 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 229—An Act to amend Section 637a of the Penal Code of the State of California, relating to the protection and preservation of birds.

On motion of Senator Lewis, Assembly Bill No. 229 was temporarily passed on file, to retain its place.

Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1617b, relating to enlarging, reconstructing, or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Roseberry, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

On page 1, Section 1, line 6, of the printed bill, strike out the word "of".

Also:

On page 2, Section 2, line 3, of the printed bill, before the word "greatest" insert the words "greater or".

Also:

On page 2, Section 2, line 6, of the printed bill, strike out the word "so", and insert in lieu thereof the words "designated in said petition and".

Also:

On page 2, Section 2, line 12, of the printed bill, strike out the word "of".

Also:

On page 2, Section 2, line 38, of the printed bill, after the word "newspaper" insert the word "for".

Also:

On page 3, Section 2, line 43, of the printed bill, after the word "publication" insert the words "or posting".

Also:

On page 3, Section 2, line 49, of the printed bill, after the word "consolidated" insert the word "respectively".

Also:

On page 4, Section 2, line 81, of the printed bill, after the word "concerning" insert the word "general".

Also:

On page 4, Section 2, line 88, of the printed bill, strike out the word "return", and insert in lieu thereof the word "statement".

Also:

On page 4, Section 2, line 92, of the printed bill, strike out the word "returns", and insert in lieu thereof the word "statement".

Also:

On page 4, Section 2, line 98, of the printed bill, strike out the word "lists", and insert in lieu thereof the word "sheets".

Also:

On page 4, Section 2, line 100, of the printed bill, after the word "corporations" insert the words "so proposed to be consolidated".

Also:

On page 4, Section 2, line 107, of the printed bill, strike out the "period" at the end of said line, and insert in lieu thereof the following: " ; *provided, however,* that the presence of a majority of the members of each such legislative body at such joint convention shall constitute a quorum thereof, and shall be sufficient to enable such joint convention to perform the duties herein prescribed."

Also:

On page 4, Section 2, line 112, of the printed bill, strike out the letter "s" at the end of the word "conventions".

Also:

On page 5, Section 2, line 114, of the printed bill, strike out the words "ballots, tally sheets and".

Also:

On page 5, Section 2, line 118-9, of the printed bill, strike out the words "tally sheets and".

Also:

On page 5, Section 2, line 118-9, of the printed bill, strike out the word "ballots", and insert in lieu thereof the word "votes".

Also:

On page 5, Section 2, lines 124-125, of the printed bill, strike out the word "ballots", and insert in lieu thereof the word "votes".

Also:

On page 5, Section 2, line 129, of the printed bill, strike out the letter "s" at the end of the word "corporations".

Also:

On page 5, Section 2, line 151, of the printed bill, after the word "shall" insert the following "declare the result and".

Also:

On page 5, Section 2, line 140, of the printed bill, strike out the word "equally", and insert in lieu thereof the words "equal in".

Also:

On page 6, Section 2, line 159-160, of the printed bill, strike out the following words: "and thereupon the clerk of such joint convention", and insert in lieu thereof the word "who".

Also:

On page 6, Section 2, line 180, of the printed bill, strike out the word "corporation", and insert in lieu thereof the word "corporations".

Also:

On page 6, Section 2, line 181, of the printed bill, after the word "lation" insert a "comma".

Also:

On page 6, Section 2, line 184, of the printed bill, after the word "annulled" insert the following sentence: "And upon the completion of such consolidation, such other or others of the municipal corporations so consolidated shall be deemed to be annexed to and joined to and merged into the one on said municipal corporations so operating under a freeholders' charter and having the greater or greatest population, as aforesaid".

Also:

On page 8, Section 3, line 35, of the printed bill, strike out the word "officers", and insert in lieu thereof the word "offices".

Also:

On page 9, Section 3, line 43, of the printed bill, strike out the word "as", and insert in lieu thereof the word "so".

Also:

On page 9, Section 3, line 69, of the printed bill, after the word "actions" strike out the words "or of".

Also:

On page 9, Section 3, line 69, of the printed bill, after the word "civil" insert the word "or".

Also:

On page 9, Section 3, line 69, of the printed bill, after the word "transferred" strike out the "period", and insert the following: "; provided further, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements, or to proceedings for opening, extending, widening or straightening streets or other public places, or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the new consolidated municipal corporation, with the same force and effect as if continued and conducted by and under the authority of the municipal corporation by which they were commenced. And all ordinances of the one of the municipal corporations consolidated under the provisions of this Act having the greater or greatest population, shall, upon the completion of such consolidation, ipso facto, have full force and effect in and throughout the new consolidated municipal corporation."

Also:

On page 9, Section 4, line 4, of the printed bill, after the word "contracted" insert the words "or incurred".

Also:

On page 10, Section 4, after line 14, of the printed bill, insert the following: "Sec. 5. In the event that the greater or greatest in population of any municipal corporations, consolidated under the provisions of this Act, shall be operating under a freeholders' charter, which charter shall at any time provide that a borough or boroughs may be established in any territory, or incorporated city or town, annexed to or joined to such municipal corporation, such borough or boroughs to be governed as in such charter provided, nothing in this Act contained shall prevent, or be construed to prevent any other municipal corporation, or any portion thereof, so consolidated with the municipal corporation so operating under such freeholders' charter, from becoming a borough under such freeholders' charter, to be established and governed as therein provided."

Also:

On page 10, of the printed bill, strike out all of Section 7.

Also:

On page 10, Section 5, line 1, strike out the figure "5", and insert the figure "6".

And:

On page 10, Section 6, line 1, strike out the figure "6", and insert the figure "7".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 240, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Assembly Bill No. 240.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Joint Resolution No. 9—Resolution relating to Federal improvement of Newport Bay, in Orange County.

On motion of Senator Willis, Assembly Joint Resolution No. 9 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Senate Bill No. 1056 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1056—An Act to amend Section 4339 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Boynton as a special committee of one to amend, as follows:

By striking out of Section 1, lines 100 to 104, all of subdivision 9, after figure "9", and inserting in lieu thereof the following: "The coroner, such fees as are now or may hereafter be allowed by law".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1056, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Welch, Assembly Bill No. 191 was ordered re-referred to Committee on Labor, Capital, and Immigration.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SENATOR BLACK IN THE CHAIR.

At three o'clock and fifty minutes P. M., Senator Black, of the Twenty-eighth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order hertofore set for this day, being the consideration of Senate Constitutional Amendment No. 1, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes: now, therefore, The Legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members

elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First: There is hereby added to article, thirteen a new section to be numbered fourteen, and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties: sleeping car, dining car, drawing room car and palace car companies, refrigerator, oil, stock, fruit, and other car loaning, and other car companies operating upon railroads in this State: companies doing express business on any railroad, steamboat, vessel or stage line in this State: telegraph companies, telephone companies, companies engaged in the transmission or sale of gas or electricity: insurance companies, banks, banking associations, savings and loan societies, and trust companies: and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties: all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning, and other car companies, operating upon the railroads in this State: all companies doing express business on any railroad, steamboat, vessel or stage line in this State: all telegraph and telephone companies: and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each, thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent: on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent: on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent: on all telegraph and telephone companies, three and one half per cent: on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided: *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State.

(b) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State: *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate and except as otherwise in this section provided: *provided*, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies in such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

(c) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall

be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies, and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(e) Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, an ad valorem tax, for State purposes, on all the property in the State, including the classes of property enumerated in this section, sufficient to meet deficiency. All property enumerated in this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, before the adoption of this section.

(f) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two thirds of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section, and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section, and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said Constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this Constitution provided, shall

be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said Constitution is hereby repealed.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment, the following amendments were submitted by committee:

On page 1, line 16, of printed bill, after the word "drawing", and before the word "room", insert a hyphen.

Amendment adopted.

Also:

On page 2, line 32, after the word "stock" insert a comma.

Amendment adopted.

Also:

On page 2, line 32, after the word "ear", and before the word "loaning", insert a hyphen.

Amendment adopted.

Also:

On page 3, line 69, of the printed bill, after the word "of" insert the word "the".

Amendment adopted.

Also:

On page 3, line 75, after the word "estate" insert the following: "owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate,".

Amendment adopted.

Also:

On page 3, line 78, before the word "securities" insert the word "of".

Amendment adopted.

Also:

On page 3, line 79, after the word "such" insert the word "other".

Amendment adopted.

Also:

On page 3, line 81, after the word "deposits" insert the words "of money, or".

Amendment adopted.

Also:

On page 3, line 83, before the first word "such" insert the word "of".

Amendment adopted.

And:

On page 6, line 191, after the word "taxation" insert the following: "The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only."

Amendment adopted.

MOTION.

Senator Curtin moved the following committee minority report on Senate Constitutional Amendment No. 1 be adopted.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 24, 1909.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that all of said amendments except Amendment No. 11 be adopted, and in lieu of Amendment No. 11 we recommend that it be changed to read "three fourths of".

The motion was duly seconded.

The question being on the motion to adopt.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, four o'clock and fifty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and fifty-five minutes P. M., Senator Rush was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At five o'clock and fifteen minutes P. M., Senator Sanford moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

At five o'clock and twenty minutes P. M., Senator Reily was brought to the bar of the Senate, and, on motion of Senator Leavitt, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and twenty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

SENATOR EXCUSED FROM VOTING.

Senator Rush asked for, and was granted, unanimous consent to be excused from voting on the motion.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, five o'clock and twenty-three minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the motion was lost by the following vote:

AYES—Senators Birdsall, Burnett, Caminetti, Cartwright, Curtin, Cutten, Leavitt, Martinelli, McCartney, Miller, Roseberry, Sanford, Savage, Stetson, and Walker—15.

NOES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Holohan, Hurd, Lewis, Reilly, Thompson, Weed, Welch, Willis, Wolfe, and Wright—16.

Also:

On page 4, line 94, after the word "of", and before the word "one", insert the following: "six tenths of".

Amendment adopted.

Also:

On page 5, lines 160 and 161, strike out the words "an ad valorem", and insert in lieu thereof the letter "a".

Amendment adopted.

Also:

On page 5, line 164, after the first word "in", and before the word "this", insert the following: "subdivisions a, b and d of".

Amendment adopted.

And:

On page 5, line 168, after the word "section" strike out the period and insert in lieu thereof the following: a comma and "the taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes."

Amendment adopted.

Also:

The following amendment was offered:

By Senator Curtin:

On page 6, line 176, strike out the words "two thirds", and insert in lieu thereof "three fourths".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, five o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the amendment was adopted by the following vote:

AYES—Senators Anthony, Bates, Black, Boynton, Burnett, Curtin, Cutten, Leavitt, Lewis, Martinelli, McCartney, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—18.

NOES—Senators Bell, Birdsall, Caminetti, Campbell, Cartwright, Holohan, Hurd, Miller, Roseberry, Rush, Sanford, Stetson, Thompson, and Walker—14.

Also:

Offered by Senator Boynton:

Amend by striking out the period at the end of line 66, and insert in lieu thereof a semicolon and the following: "*provided further, however, that when any railroad company, including street railways, shall pay to any municipality or county a certain proportion of its gross receipts for the privilege of exercising any right or franchise in any such municipality or county, the amount so paid to such municipality or county shall be deducted from the amount which such railroad company, including street railways, shall be obligated to pay under the terms hereof, for the year for which such percentage of gross receipts is paid to such municipality or county.*"

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Cartwright, Cutten, Holohan, Hurd, Lewis, Miller, Sanford, Savage, Stetson, Thompson, Walker, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Burnett, Caminetti, Curtin, Leavitt, Martinelli, McCartney, Roseberry, and Weed—8.

Senate Constitutional Amendment No. 1 ordered to print, and engrossment.

REFUSAL OF UNANIMOUS CONSENT FOR WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Curtin asked for unanimous consent to withdraw Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes.

Senator Willis made objection thereto.

Whereupon the Acting President of the Senate declared that unanimous consent was refused, and that Senate Constitutional Amendment No. 1 would retain its place on file.

RECESS.

At six o'clock and thirty minutes P. M., on motion of Senator Leavitt, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cutten, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. H. S. Gans and L. L. McCoy of Red Bluff.

Also:

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. James Parkinson.

SENATOR LEAVITT IN THE CHAIR.

At eight o'clock and ten minutes P. M., Senator Leavitt of the Sixteenth District in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator McCartney as a special committee of one to amend, as follows:

By striking out of Section 1, lines 7 and 8, the words "less than twenty-five dollars nor".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 917, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCARTNEY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 441—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 103½, authorizing city justices in cities and towns of the third class to appoint a clerk.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 721—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eight o'clock and twenty-five minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Read third time.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller, as a special committee of one, to amend, as follows:

Beginning on page 1, Section 1, line 11, strike out all the words after the period down to the period in line 19, page 2, of the printed bill, and insert in lieu thereof the following: "The secretary shall be a civil executive officer and shall also be the executive officer of the board. He must reside in Sacramento and devote his entire time to the duties of the office. The members of the board shall receive their actual and necessary traveling expenses while in the service of the board. Such expenses shall be paid out of the general fund of the State treasury."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 132, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 185—An Act requiring persons, corporations receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

On motion of Senator Miller, Senate Bill No. 185 was ordered placed at the head of the Members' Special Urgency File.

Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1167—An Act appropriating money to pay the claim of S. B. Sumner against the State of California.

Bill read second time, and ordered on file for third reading.

REFUSAL OF REQUEST TO CONSIDER BILL.

Senator Roseberry asked for unanimous consent to have Committee Substitute for Senate Bill No. 26 taken up for consideration.

Senator Savage made objection thereto.

MOTION.

Senator Roseberry moved to take up Committee Substitute for Senate Bill No. 26 for consideration.

Motion seconded.

Senator Curtin moved to lay the above motion upon the table.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 923—An Act entitled an Act to amend Section 1737 of the Code of Civil Procedure, relating to public administration.

Bill read second time, and ordered on file for third reading.

MOTION.

Senator Wolfe moved that all bills on Members' Special Urgency File, read second time, retain their place on said file.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 990 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—Senator Estudillo—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspensions of attorneys and counselors at law.

During second reading of bill, the following amendments were submitted by committee:

After the enacting clause, insert the following:

SECTION 1. Section 287 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Also:

On page 1, line 1, strike out the word "Section".

And:

Amend the title of the bill by inserting on line 2 thereof, after the word "Procedure", the following: "of the State of California."

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 944 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Caminetti, Curtin, Cutten, Estu-

dillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 842—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to State school land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 842 passed by the following vote :

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1219 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett,

Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 924 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hurd, Lewis, McCartney, Miller, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom for game and fish preservation and restoration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator Birdsall—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor:

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weed moved to refer to Senator Miller as a special committee of one to amend, as follows:

By striking out of page 1, Section 1, line 1, the word "two", and inserting in lieu thereof the word "three".

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Birdsall, Black, Caminetti, Curtin, Holohan, Leavitt, McCartney, Roseberry, Sanford, Savage, Strobbridge, and Weed—12.

NOES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Cutten, Finn, Hare, Hartman, Hurd, Lewis, Martinelli, Miller, Price, Rush, Thompson, Walker, Welch, Willis, Wolfe, and Wright—22.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1100 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Curtin, Sanford, and Weed—3.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1100 was this day passed.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 830 read first time, and ordered on file without reference to committee.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Hurd moved that the vote whereby the following amendment to Senate Constitutional Amendment No. 1 by Senator Boynton:

Amend as follows: By striking out the period at the end of line 66, and inserting in lieu thereof a semicolon and the following: "*provided, further, however, that when any railroad company, including street railways, shall pay to any municipality or county a certain proportion of its gross receipts for the privilege of exercising any right or franchise in any such municipality or county, the amount so paid to such municipality or county shall be deducted from the amount which such railroad company, including street railways, shall be obligated to pay under the terms hereof, for the year for which such percentage of gross receipts is paid to such municipality or county.*"

was adopted, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Burnett, Caminetti, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Stetson, Weed, Willis, and Wolfe—14.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Estudillo, Hare, Holohan, Miller, Price, Savage, Strobridge, Thompson, Walker, Welch, and Wright—18.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Wolfe, Assembly Bill No. 411 was ordered withdrawn from the Committee on Judiciary.

SPECIAL ORDER SET.

Senator Curtin moved that the consideration of Senate Constitutional Amendment No. 1 be made a special order for Thursday, March 4, 1909, immediately after the reading of the Journal.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 424^a, relating to the restoration of certificates of births, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment of proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same—have had the same under consideration, and respectfully report the same back, per instructions.

WILLIS, Chairman.

Assembly Bill No. 411 ordered on file.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Senator Miller, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER, Thursday, March 4, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 3, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Seth Mann of San Francisco.

Also:

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. A. Cogliandro.

Also:

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. H. D. Byrne of San Francisco.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to introduce a concurrent resolution out of order.

By Senator Willis: Senate Concurrent Resolution No. 15—Relative to inauguration of the President and Vice-President of the United States.

Senate Concurrent Resolution No. 15 ordered on file, without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 15.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 15 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 15.

WHEREAS, Honorable William H. Taft is to-day about to be inaugurated into the office of President of the United States of America, and Honorable James S. Sherman is to-day about to be inaugurated into the office of Vice-President of the United States of America; and

WHEREAS, There is a general feeling of satisfaction and confidence among the people of this Union, because of the high character and splendid patriotism of their President-elect and Vice-President-elect; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the congratulations of this Legislature, in its thirty-eighth session, be extended to President-elect Taft and to Vice-President-elect Sherman upon their inauguration as President and Vice-President, respectively; and be it further

Resolved, That the best wishes of this Legislature be extended not only to the President-elect and Vice-President-elect, but to the whole people, whom they will serve and represent.

Senate concurrent resolution read and adopted.

Senate Concurrent Resolution No. 15 ordered transmitted to the Assembly.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Curtin:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

W. E. Phillips, William Morris, Mrs. William Morris, Mrs. Barnett Cowan, H. B. Cowan, and others.

Also:

By Senator Miller:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

E. E. Damon, H. E. Metzner, W. T. Hand, L. Semovile, J. L. Semovile, and others.

Also:

By Senator Campbell:

To the State Senate of California:

WHEREAS, This the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare.

Geo. Quentel, A. S. Hendricks, James Leask, J. M. Bussey, and others.

Also:

By Senator Wright:

To Senator LEROY A. WRIGHT, Sacramento, Cal.:

We, the undersigned citizens of your Senatorial district, feeling that you desire to know the minds of your constituents, hereby urge that you work and vote for the following bills:

(1) To raise the age for protection for girls from sixteen years to eighteen.

(2) The Educational Marriage Reform Bill.

(3) The bill to amend the anti-cigarette and anti-tobacco law by making it a misdemeanor to sell to persons under eighteen years of age.

(4) The Sunday Rest Bill.

(5) The Local Option Bill.

H. P. Sloan, H. A. Miles, D. O. Janeway, C. E. Bradford, L. Zimmers, and others.

To the Honorable LEROY A. WRIGHT, Senator from the 40th Senatorial District, California:

We, the undersigned qualified and registered electors of the county of San Diego, hereby petition you as our legislative representative from the Fortieth Senatorial District, California, to use your best efforts to have local option bill, No. 55, as prepared and presented, pass both houses.

C. W. Shumway, J. W. Sherwood, H. H. Suttle, Chas. C. Hoblit, Ned Hall, and others.

To our Legislative Senator and Assemblyman:

WHEREAS, California is the only state in the Union without a Sunday rest law; and

WHEREAS, We believe it to be for the best welfare of our State to have such a law; therefore,

Resolved, That we earnestly request you, as the representatives of the citizens of this district, that you give your vote and strong support to the passage of the Sunday rest bill drafted by the Reform Bureau of California, which is outlined in the circular sent herewith.

The above was unanimously adopted at a public meeting of citizens in Prinedale, Cal., January 31, 1909. The accompanying names of voters so attest.

Wm. Wiley, Jno. D. Hall, Henry Huchting, and others.

Also:

By Senator McCartney:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy, and such private work as is not against the public welfare

Leslie G. Bryant, A. C. Lawa, A. L. Cavanagh, W. L. Stevens, Percy B. Richmond, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 96—An Act to add a new section to the Penal Code of California, relating to the desecration, mutilation or improper use of the flag of the United States of America.

Also: Senate Bill No. 232—An Act to repeal Section 644 of the Penal Code, relating to enticing seaman to desert their vessels.

Also: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing state and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Also: Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee, or to engage in the business of banking.

Also: Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 799—An Act to amend Section No. 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Assembly Bill No. 279—An Act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital Farm, and to make an appropriation therefor.

Also: Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Also: Adopted Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry ranch at Atascadero, California, for military camps, maneuvers, and rifle ranges for regular troops and national guard.

Also: Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves.

Also: Passed Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Also: Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Also: Assembly Bill No. 1115—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents.

Also: Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

Also: Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Senate Bills Nos. 96, 232, 270, 513, 650, 703, 704, 718, and 799 ordered to enrollment.

Senate Joint Resolutions Nos. 2 and 15 ordered to enrollment.

Assembly Bills Nos. 279, 1135, 164, 1038, 1064, 1115, 1138, 1234, and 1281 read first time.

Assembly Bills Nos. 279, 1135, 164, 1064, and 1234 ordered referred to Committee on Finance.

Assembly Bill No. 1038 ordered on file, without reference to committee.

Assembly Bill No. 1115 ordered referred to Committee on Judiciary.

Assembly Bill No. 1138 ordered referred to Committee on Education.

Assembly Bill No. 1281 ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 160—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards.

Also: Assembly Bill No. 606—An Act to secure the safety of the public at bathing places upon the seacoast and lakes.

Also: Assembly Bill No. 631—An Act entitled "An Act to amend Section 1533 of Article II of the Political Code by providing a superintendents' annual convention."

Also: Assembly Bill No. 728—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government, and the compensation of county and township officers of counties of the sixteenth class.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education.

And on March 3, 1909, passed Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV. of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r, and 1426s, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing Acts in conflict herewith.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 673 read first time, and referred to Committee on Education.

Senate Bill No. 32 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages for the Whittier State School.

Also: Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also: Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 299—An Act to provide for the investigation of agricultural problems and conditions in Imperial County, and making an appropriation therefor.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relating to carrier's lien on property.

Also: Assembly Bill No. 603—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 181a, relating to the falsification of books of accounts.

Also: Committee Substitute for Assembly Bills Nos. 648 and 649—An Act to amend section one thousand nine hundred and eighteen of the Civil Code, relating to a maximum rate of interest and providing for forfeitures for violations thereof.

Also: Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Also: Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.

Also: Assembly Bill No. 689—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution by changing the term high school to secondary school," approved March 6, 1903.

Also: Assembly Bill No. 702—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Also: Assembly Bill No. 705—An Act to amend section five hundred and ninety-seven of the Penal Code, relating to cruelty to animals.

Also: Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Also: Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Also: Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines, in False Bay or in the entrance thereto.

Also: Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bills Nos. 58, 114, 120, 299, 580, 603, 654, 688, 689, 702, 705, 983, 1036, 1087, 1228, and Committee Substitute for Assembly Bills Nos. 648 and 649 read first time.

Assembly Bills Nos. 58, 114, 120, and 299 ordered referred to Committee on Finance.

Assembly Bills Nos. 580, 603, 654, 705, and Committee Substitute for Assembly Bills Nos. 648 and 649 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 688 and 689 ordered referred to Committee on Education.

Assembly Bill No. 702 ordered referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 983 ordered referred to Committee on County Government.

Assembly Bill No. 1036 ordered referred to Committee on Mines and Mining.

Assembly Bill No. 1087 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1228 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to article six, section eight, of the Constitution, relating to judges of the Superior Court.

Also: Assembly Joint Resolution No. 7—Relating to defense of Pacific seaboard.

And on March 3d adopted Senate Concurrent Resolution No. 9—Approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Constitutional Amendment No. 23 ordered referred to Committee on Judiciary.

Assembly Joint Resolution No. 27 ordered referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day has appointed Assemblymen Johnson of Sacramento, Johnston of Contra Costa, and Drew as a committee on conference on Assembly Bill No. 31—An Act to amend Section No. 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISER, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa, State of California—and respectfully ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 771?"

AMENDMENT No. 1.

On page 1, line 3, of the title of the printed bill, after the word "Glenn" strike out the comma, and insert in lieu thereof the following: "and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa."

AMENDMENT No. 2.

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following:

SECTION 1. The northerly and easterly boundary of Lake County, between Mount Hull and the common section corner of sections 16, 17, 20, and 21, in township twenty (20) north, range nine (9) west, M. D. B. and M., is hereby established and permanently located as follows: Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885; and approved by H. J. Willey, Surveyor General of the State of California, on December 23, 1885; thence due north to the half section line running east and west through section two (2), township nineteen (19) north, range ten (10) west, M. D. B. and M.; thence east along said half section line through sections two (2) and one (1) of said township, range, base and meridian, and then through section five (5) to the southeast corner of the northeast quarter of said section five (5), township nineteen (19) north, range nine (9) west, M. D. B. and M.; thence north along the line between and dividing sections four (4) and five (5) of said township, range, base, and meridian, and continuing north along the line between and dividing sections thirty-two (32) and thirty-three (33), and twenty-eight (28), to the common section corner of sections sixteen (16), seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west.

SEC. 2. The boundary line between the county of Lake and the county of Glenn is hereby established and permanently located as follows: Beginning at a point established by section two of "An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the county of Glenn, between Mendocino and Glenn counties," approved March 8, 1907. Said point being the corner of sections sixteen (16), and seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west, M. D. M., according to the United States survey, thence east between sections sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), fourteen (14), twenty-three (23), thirteen (13), twenty-four (24), of township twenty (20) north, range nine (9) west, M. D. M., and sections eighteen (18), nineteen (19), seventeen (17), twenty (20), sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), township twenty (20) north, range eight (8) west, M. D. M., to corner of sections fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), township twenty (20) north, range eight (8) west, M. D. M.; thence south between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township twenty (20) north, range eight (8) west, M. D. M., and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township nineteen (19) north, range eight (8) west, M. D. M., and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), to one-quarter ($\frac{1}{4}$), section corner on section line dividing sections twenty-six (26) and twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. M.; said point being on boundary line between the county of Glenn and the county of Colusa as established by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa," approved March 11, 1893.

SEC. 3. The boundary line between Lake County and Colusa County between the northwest corner of Colusa County and the southeast corner of the northeast one quarter ($\frac{1}{4}$) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. and M., is hereby established and permanently located as follows: Beginning at the southeast corner of the northeast one quarter ($\frac{1}{4}$) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. and M.; running thence westerly along the half section line and one and one-half ($1\frac{1}{2}$) miles north of the line dividing townships seventeen (17), and eighteen (18), of Mount Diablo base and meridian, said one half ($\frac{1}{2}$) section line being the northern boundary of Colusa County as fixed by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa," approved March 11, 1893," to the northwest corner of the southwest one quarter ($\frac{1}{4}$) of section thirty (30), township eighteen (18) north, range eight (8) west, M. D. B. and M.

SEC. 4. This Act shall take effect immediately upon its passage.

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 771 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 200—An Act to amend Section 591 of the Penal Code of the State of California.

Also: Assembly Bill No. 723—An Act to amend Section 3546 of the Political Code of the State of California, relating to what must be contained in the statement by the Register of State Lands to the district attorney.

Also: Assembly Bill No. 284—An Act to add a new section to the Political Code, to be numbered 1671b, relating to enlarging, reconstructing or replacing county high schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purpose.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 15—Relative to the inauguration of Hon. William H. Taft and Hon. James S. Sherman as President and Vice-President of the United States.

CLIO LLOYD, Chief Clerk of the Assembly
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 15 ordered to enrollment.

MOTION.

On motion of Senator Willis, it was ordered that Senate Concurrent Resolution No. 15 be transmitted by wire to the President and Vice-President of the United States, signed by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Senate Bill No. 147—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to salaries of superior judges.

Also: Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section to be numbered 2a, repealing Section 10b of said Act.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 69?"

Amend by striking out of line 8, page 1, of printed bill, the words "primary and grammar", and insert in lieu thereof the word "elementary".

Also: By striking out the period after the word "schools", on line 10, of printed bill, and insert a semicolon in lieu thereof, and also the following words: "provided, that the city superintendent of schools or supervising principal of school, holds a teacher's certificate in force for the full time for which the requisition is drawn."

And:

By striking out of Section 1, line 8, the words "and the salaries", and all of lines 9, 10, 11, 12, and 13, and insert in lieu thereof a semicolon and the following: "provided, that any city superintendent of public schools, or supervising principal of public schools who holds a teacher's certificate in force for the full time for which the requisition is drawn, may be paid out of the same money or fund used for the payment of the salaries of teachers of the elementary schools."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 69 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29

NOES—None.

Senate Bill No. 69 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 147.

After line 4, of Section 2, of the printed bill, add the following:

SEC. 3. This Act shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to State erections and buildings, and all Acts amendatory thereto.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 147 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Mar-

tinelli, McCartney, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Welch, Wolfe, and Wright—30.
N^OES—None.

Senate Bill No. 147 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 180?"

After the word "Orange", in line 14, of Section 1, page 1, of the printed bill, insert the word "Glenn".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 180 by the following vote:

A^YES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Estudillo, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Wolfe, and Wright—27.
N^OES—None.

Senate Bill No. 180 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 512?"

Amend by striking out from lines 8 and 9, of Section 1, of the printed bill, the following: "Section 7 and,"

And:

Amend by striking out the word "are" in Section 3, page 3, of the printed bill, and inserting in lieu thereof the word "is".

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 512 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 800?"

Strike out the figures "1174", in line 3, of Section 1, of the printed bill, and insert in lieu thereof the figures "1774".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 800 by the following vote:

A^YES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—29.
N^OES—None

Senate Bill No. 800 ordered to enrollment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to have Senate Bills Nos. 913 and 590 taken up out of order, for the purpose of amendment.

Assembly Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California, or of any political subdivision thereof.

During second reading of bill, the following amendments were offered by Senator Welch:

Senator Welch moved to amend, as follows:

By inserting the following in Section 1, line 2, after the word "Section": "thirty-two hundred and fifty-one".

Amendment adopted.

And:

On line 4, Section 1, before the word "daily" the figures "3251".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Also:

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

By striking out of Section 1, lines 6 and 7, the words "fifteen hundred", and inserting in lieu thereof the following: "thirteen hundred and twenty".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 590, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Chairman.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reengrossment.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1908.

To the Assembly of the State of California:

In compliance with the provisions of Section 6 of the San Francisco Depot Act, approved March 17, 1891, I have the honor to present herewith a certified copy of the report to me by the State Treasurer and an abstract of all his proceedings under said Act.

J. N. GILLETT, Governor.

REPORT OF PROCEEDINGS UNDER THE SAN FRANCISCO DEPOT ACT.

To His Excellency JAMES N. GILLETT, Governor of California.

In accordance with the provisions of Section 6, Chapter III, Statutes 1891, I herewith submit a report of the proceedings thereunder for the year beginning January 1, 1907, and ending December 31, 1907, and also a report for the year beginning January 1, 1908, and ending December 31, 1908.

As will be seen by said report for the year 1907, the sum of \$70,000.00 was received from the redemption of United States bonds which matured that year, and which money, together with other accumulations in the sinking fund, was invested in United States registered 4% bonds of 1895-1925.

By reference to the statement showing the condition of the San Francisco depot sinking fund, it will be shown that the present value of said fund is \$788,933.37, figuring the value of the U. S. registered 4% bonds, in which said fund is invested, at a value of 1.2014. This shows that the value of the fund is \$86,412.37 in excess of the transfers for the repayment of the principal, as provided in said Act, the present value of the fund being within less than \$12,000.00 of the full amount necessary to retire all of the bonds outstanding, amounting to \$600,000. It will be seen by this that at the time the depot bonds mature (January 1, 1912) there will be a considerable sum for repayment to the San Francisco harbor improvement fund.

Respectfully submitted.

(Signed)

W. R. WILLIAMS, State Treasurer.

Dated Sacramento, California, January 2, 1909.

SAN FRANCISCO DEPOT SINKING FUND—RECEIPTS, 1907.

Date.—Items.	Investments returned to fund.	Interest on investments.	Principal.	Transfers of interest.	Total.
1907.					
Jan. 1—To totals brought forward from December 31, 1906					
Jan. 2—To transfer from San Francisco Harbor Impt. Fund.		\$103,900 00	\$439,377 00	\$298,000 00	\$841,277 00
Feb. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Feb. 7—To interest on bonds purchased.		3,350 00	2,631 00	2,000 00	
Mar. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Apr. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Apr. 1—To interest on bonds purchased.		700 00			
May 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
May 6—To interest on bonds purchased.		3,350 00			
June 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
July 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Aug. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Aug. 6—To interest on bonds purchased.		3,350 00			
Aug. 22—To interest on bonds purchased.		700 00			
Aug. 22—To cash from redemption of U. S. bonds of 1907 matured.	\$70,000 00				
Sept. 3—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Oct. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Nov. 1—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Nov. 5—To interest on bonds purchased.		4,400 00			
Dec. 2—To transfer from San Francisco Harbor Impt. Fund.			2,631 00	2,000 00	
Dec. 31—Total of transfers of principal.			\$470,949 00		142,022 00
Total of interest on investments applied to principal.		\$120,350 00			
Total of investments returned applied to principal.	\$70,000 00		70,000 00		
Totals.			\$641,299 00	\$322,000 00	\$983,299 00
SAN FRANCISCO DEPOT SINKING FUND—DISBURSEMENTS, 1907.					
Date.—Items.	Investments of principal.	Interest paid.			Total.
1907.					
Jan. 1—By totals brought forward from December 31, 1906.					
Jan. 2—By payment of semi-annual interest on bonds sold.	\$542,443 13	\$288,000 00			\$830,443 13
July 2—By payment of semi-annual interest on bonds sold.		12,000 00			
Sept. 20—By purchase of U. S. registered 4% bonds of 1895-1925, par value		12,000 00			
Sept. 20—By premium on above purchase at 1.27½.		85,000 00			
Sept. 20—By expenses in making purchase.		23,375 00			
		124 10			132,499 10
Totals.					
Dec. 31—By balance of principal in fund (not invested).	\$670,942 23	\$312,000 00			\$962,942 23
Dec. 31—By balance of interest in fund.	10,356 77				
Dec. 31—By balance in fund.		10,000 00			
Totals to balance.	\$641,299 00	\$322,000 00			\$983,299 00

SAN FRANCISCO DEPOT SINKING FUND—RECEIPTS, 1908.

Date—Items. 1908.	Investments returned to fund.	Interest on investments.	Principal.	Transfers of interest.	Total.
Jan. 1—To totals brought forward from December 31, 1907.....	\$70,000 00	\$120,350 00	\$470,919 00	\$322,000 00	\$983,269 00
Jan. 2—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Feb. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Feb. 6—To interest on bonds purchased.....	4,400 00	.....	.....	.....
Mar. 2—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Apr. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
May 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
May 4—To interest on bonds purchased.....	4,400 00	.....	.....	.....
June 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
July 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Aug. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Aug. 4—To interest on bonds purchased.....	4,700 00	.....	.....	.....
Sept. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Oct. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Nov. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	.....
Nov. 4—To interest on bonds purchased.....	4,840 00	.....	.....	.....
Dec. 1—To transfer from San Francisco Harbor Impt. Fund.....	2,631 00	2,000 00	73,912 00
Dec. 31—Total of transfers of principal.....	\$702,521 00	.....	.....
Total of interest on investments applied to principal.....	\$138,690 00	138,690 00	.....	.....
Total of investments returned applied to principal.....	\$70,000 00	.....	70,000 00	.....	.....
Totals.....	\$711,211 00	\$346,000 00	\$1,057,211 00

SAN FRANCISCO DEPOT SINKING FUND—DISBURSEMENTS, 1908.

Date—Items.	Investments of principal.	Interest paid.	Total.
1908.			
Jan. 1—By totals forward from December 31, 1907.....	\$650,912 23	\$312,000 00	\$962,912 23
Jan. 3—By payment of semi-annual interest on bonds sold.....	.....	12,000 00	.....
May 22—By purchase of U. S. registered 4% bonds of 1895-1925, par value.....	24,500 00	.....	.....
May 22—By premium on above purchase at 1.20%.....	5,022 50	.....	.....
May 22—By expenses in making purchase.....	103 00	.....	.....
July 1—By payment of semi-annual interest on bonds sold.....	.....	12,000 00	.....
July 3—By purchase of U. S. registered 4% bonds of 1895-1925, par value.....	5,500 00	.....	.....
July 3—By premium on above purchase at 1.20%.....	1,141 25	.....	.....
July 3—By expense in making purchase.....	30 25	.....	.....
Oct. 21—By purchase of U. S. registered 4% bonds of 1895-1925, par value.....	14,000 00	.....	.....
Oct. 21—By premium on above purchase at 1.21%.....	3,027 50	.....	.....
Oct. 21—By expenses in making purchase.....	20 80	.....	77,345 80
Totals.....	\$704,287 53	\$336,000 00	\$1,040,287 53
Dec. 31—By balance of principal in fund (not invested).....	6,923 47	.....	.....
By balance of interest in fund.....	.....	10,000 00	.....
By total balance in fund.....	.....	.....	16,923 47
Totals to balance.....	\$711,211 00	\$346,000 00	\$1,057,211 00

CONDITION OF SAN FRANCISCO DEPOT SINKING FUND.

December 31, 1908.

PRINCIPAL.

Total of transfers of principal.....	\$502,521 00	
Par value of U. S. registered 4% bonds of 1895-1925....		\$484,000 00
Premium on above at 1.20¼ (present value of U. S. 4% registered bonds).....		98,010 00
Total value of investments (bonds at 1.20¼).....		\$582,010 00
Balance of principal in fund (not invested).....		6,923 47
Excess value of fund over transfers.....	86,412 47	

Total value of fund per payment of principal of bonds sold	\$588,933 47	\$588,933 47
Bonds sold (redeemable January 1, 1912).....		600,000 00

INTEREST.

The next payment of semi-annual interest on bonds sold will be due January 1, 1909, and will amount to.....		\$12,000 00
Balance of interest in fund December 31, 1908.....	\$10,000 00	
Transfer of interest from San Francisco harbor improvement fund to be made January 1, 1909.....	2,000 00	
	\$12,000 00	\$12,000 00

STATE OF CALIFORNIA, }
County of Sacramento.} ss.

I, E. C. Cooper, Private Secretary to the Governor of California, do hereby certify: That the within and foregoing papers are a full, true, and correct copy of the report on file in the Governor's office made by the State Treasurer, and an abstract of all his proceedings under said Act.

E. C. COOPER.

Subscribed and sworn to before me this 2d day of March, 1909.

[SEAL.]

NORA B. ANDREWS,
Notary Public in and for the County of
Sacramento, State of California.

Message read, and referred to Committee on Executive Communications, and ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1909.

To the Assembly of the State of California:

In compliance with the provisions of Section 6 of the San Francisco Seawall Act, approved March 20, 1903, I have the honor to present to the Senate a certified copy of the report made to me by the State Controller and State Treasurer, and an abstract of all their proceedings under said Act.

J. N. GILLETT, Governor.

REPORT OF PROCEEDINGS UNDER THE SAN FRANCISCO SEAWALL ACT.

To His Excellency JAMES N. GILLET, Governor of California:

In accordance with the provisions of Section 6, Chapter 211, Statutes 1903, we herewith submit a report of the proceedings thereunder for the year beginning January 1, 1907, and ending December 31, 1907, and also a report for the year beginning January 1, 1908, and ending December 31, 1908.

Up to the first of January, 1907, \$250,000 of seawall bonds had been sold, and no further sales were made during the year 1907, but on July 2, 1908, \$500,000 of the bonds were sold to the State of Nebraska, at par, and in accordance with your proclamation, dated November 20, 1908, notice of sale of an additional \$500,000 on January 2, 1909, is now being published.

By reference to the statement showing the condition of the San Francisco seawall sinking fund, it will be seen that the present value of the fund, figuring the municipal bonds in which the accumulations have been invested on a basis to earn 4¼% interest, is \$53,568.28, being a profit of \$4,574.87 over and above the value of the transfers as provided in said Act. As the first investment for the benefit of this fund was made on October 25, 1907, the fund is in a very satisfactory condition.

Respectfully submitted.

(Signed:) A. B. NYE,
State Controller.

(Signed:) W. R. WILLIAMS,
State Treasurer.

Dated Sacramento, California, January 2, 1909.

SAN FRANCISCO SEAWALL FUND.

Receipts.

1907—			
	Jan.	1—To balance on hand.....	\$261,850 00
1908—			
	*July	13—To cash	250,000 00
	July	14—To cash	250,000 00
	Total	.....	\$761,850 00

Disbursements.

1907—			
	July	15—San Francisco Call	\$240 95
	Aug.	13—San Francisco Chronicle	351 00
	Sept.	24—Healy-Tibbits Cont. Co.....	8,042 47
	Oct.	15—Healy-Tibbits Cont. Co.....	7,330 26
	Oct.	15—W. B. Thorpe, Sec.....	590 00
	Nov.	7—W. B. Thorpe, Sec.....	635 00
	Nov.	9—Healy-Tibbits Cont. Co.....	8,515 67
	Dec.	5—W. B. Thorpe, Sec.....	610 00
	Dec.	17—Healy-Tibbits Cont. Co.....	13,653 17
1908—			
	Jan.	8—W. B. Thorpe, Sec.....	483 75
	Jan.	23—Healy-Tibbits Cont. Co.....	12,085 87
	Feb.	15—Healy-Tibbits Cont. Co.....	9,674 28
	Feb.	16—W. B. Thorpe, Sec.....	472 50
	Mar.	6—W. B. Thorpe, Sec.....	378 75
	Mar.	17—H. R. Rood & Co.....	14,012 92
	May	17—Healy-Tibbits Cont. Co.....	3,857 28
	Apr.	3—H. R. Rood & Co.....	4,670 97
	Apr.	7—W. B. Thorpe, Sec.....	316 75
	Apr.	24—Darby Laydon	1,200 00
	Apr.	24—Healy-Tibbits Cont. Co.....	5,211 59
	Apr.	30—Hickman & Masterson.....	497 35
	Apr.	30—Hickman & Masterson.....	860 32
	May	2—W. B. Thorpe, Sec.....	300 00
	May	5—Darby Laydon	103 60
	May	29—Hickman & Masterson.....	1,471 72
	June	5—Healy-Tibbits Cont. Co.....	1,667 21
	June	5—Darby Laydon	400 00
	June	6—W. B. Thorpe, Sec.....	147 50
	June	30—Healy-Tibbits Cont. Co.....	2,899 66
	July	8—Mercer-Fraser Co.....	636 75
	July	8—W. B. Thorpe, Sec.....	816 00
	July	15—Healy-Tibbits Cont. Co.....	24,312 49
	July	27—Hickman & Masterson	213 87
	July	27—Hickman & Masterson	1,393 02
	July	30—San Francisco Call	67 20
	July	30—Commercial News Pub. Co.....	45 75
	Aug.	6—San Francisco Chronicle	99 00
	Aug.	6—J. R. Lafontaine	112 71
	Aug.	11—Phillips & Van Orden Co.....	103 90
	Aug.	11—W. B. Thorpe, Sec.....	278 00
	Aug.	22—Mercer-Fraser Co.....	212 25
	Sept.	10—W. B. Thorpe, Sec.....	244 00
	Sept.	14—Healy-Tibbits Cont. Co.....	1,741 85
	Sept.	16—Commercial News Pub. Co.....	102 30
	Sept.	23—Eng. News Pub. Co.....	59 40
	Oct.	8—Commercial News Pub. Co.....	50 40
	Oct.	12—W. B. Thorpe, Sec.....	750 50
	Nov.	7—Western Bldg. Mat. Co.....	1,860 65
	Nov.	10—Southern Pacific Co.....	241 51
	Nov.	12—W. B. Thorpe, Sec.....	699 60
	Nov.	25—Healy-Tibbits Cont. Co.....	1,074 23
	Nov.	25—Robert Wakefield	11,340 00
	Nov.	25—Healy-Tibbits Cont. Co.....	938 69
	Nov.	30—Commercial News Pub. Co.....	54 25
	Dec.	1—Western Bldg. Mat. Co.....	920 75
	Dec.	4—San Francisco Chronicle	94 50
	Dec.	5—Robert Wakefield	34,020 00
	Dec.	8—Southern Pacific Co.....	112 72
	Dec.	10—Robert W. Hunt & Co.....	121 25

*Payment for bonds sold to State of Nebraska, July 2, 1908.

1908—

Dec. 10—Pacific Cont. Co.....	\$6,046 87
Dec. 11—W. B. Thorpe, Sec.....	754 00
Dec. 17—R. E. Moriarity.....	462 80

\$190,661 75

Dec. 31—Balance on hand.....	571,188 25
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\$761,850 00

SAN FRANCISCO SEAWALL SINKING FUND—RECEIPTS, 1907.

Date—Items.	Principal.	Transfers of interest.	Total.
1907.			
Jan. 1—To totals brought from Dec. 31, 1906..	\$10,514 90	\$9,166 75	\$19,681 65
Jan. 2—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 25	.....
Feb. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Mar. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Apr. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
May 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
June 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
July 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 25	.....
Aug. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Sept. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Oct. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Nov. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	.....
Dec. 1—To trans. from S. F. Harb. Imp. Fund.	1,168 22	833 35	24,018 64
Dec. 31—Total of transfers of principal.....	\$24,533 54		
Totals	\$24,533 54	\$19,166 75	\$43,700 29

SAN FRANCISCO SEAWALL SINKING FUND—DISBURSEMENTS, 1907.

Date—Items.	Investments of principal.	Interest paid.	Total.
1907.			
Jan. 1—By totals brought forward from December 31, 1906		\$5,000 00	\$5,000 00
Jan. 2—By payment of semi-annual interest on bonds sold		5,000 00	.....
July 2—By payment of semi-annual interest on bonds sold		5,000 00	.....
Oct. 25—By purchase of City of Oakland Mun. Imp. 4½% bonds, par value.....	\$20,000 00	.....	.....
Oct. 25—By premium on above purchase.....	310 40	.....	.....
Oct. 25—By accrued interest paid on above purchase	251 50	.....	30,561 90
Totals	\$20,561 90	\$15,000 00	\$35,561 90
Dec. 31—By balance of principal in fund (not invested)	3,971 64		.....
Dec. 31—By balance of interest in fund.....		4,166 75	.....
Dec. 31—By total balance in fund.....			8,138 39
Totals to balance	\$24,533 54	\$19,166 75	\$43,700 29

SAN FRANCISCO SEAWALL SINKING FUND—RECEIPTS, 1908.

Date—Items. 1908.	Interest on investments.	Principal.	Transfers of interest.	Total.
Jan. 1—To totals brought forward from December 31, 1907.....	.....	\$24,533 54	\$19,166 75	\$43,700 29
Jan. 2—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 25	.....
Jan. 17—To interest on bonds purchased.....	\$449 50	.....	.....	.....
Feb. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 35	.....
Mar. 2—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 35	.....
Apr. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 35	.....
May 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 35	.....
June 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 35	.....
July 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	1,168 22	833 25	.....
July 18—To interest on bonds purchased.....	449 50	.....	.....	.....
Aug. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	3,856 77	2,500 00	.....
Sept. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	3,856 39	2,500 00	.....
Oct. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	3,856 39	2,500 00	.....
Nov. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	3,856 39	2,500 00	.....
Dec. 1—To transfer from San Francisco Harbor Impt. Fund.....	.....	3,856 39	2,500 00	.....
Dec. 11—To interest on bonds purchased.....	269 10	.....	.....	46,961 22
Dec. 31—Total of transfers of principal.....	.....	\$51,993 41	.....	.....
Total of interest on investments applied to principal.....	\$1,168 10	1,168 10	.....	.....
Totals.....	.....	\$53,161 51	\$37,500 00	\$90,661 51

SAN FRANCISCO SEAWALL SINKING FUND—DISBURSEMENTS, 1908.

Date—Items. 1908.	Investments of principal.	Interest paid.	Total.
Jan. 1—By totals brought forward from Decem- ber 31, 1907.....	\$20,561 90	\$15,000 00	\$35,561 90
Jan. 2—By payment of semi-annual interest on bonds sold		5,000 00	.....
June 24—By purchase of City of San Diego Mun. Imp. 4½% bonds.....	10,000 00	.....	.....
June 24—By accrued interest on above pur- chase	27 50	.....	.....
July 2—By payment of semi-annual interest on bonds sold		5,000 00	.....
July 3—By purchase of City of San Diego Mun. Imp. 4½% bonds.....	2,000 00	.....	.....
July 3—By accrued interest on above purchase Dec. 5—By purchase of City of San Diego Mun. Imp. 4½% bonds	7 75 17,000 00	..........	..........
Dec. 5—By premium on above purchase.....	98 30	.....	.....
Dec. 5—By accrued interest on above purchase	8 55	.....	\$9,142 10
Totals	\$49,704 00	\$25,000 00	\$74,704 00
Dec. 31—By balance of principal in fund (not invested)	3,457 51		.....
Dec. 31—By balance of interest in fund.....		12,500 00	.....
Dec. 31—By total balance in fund			15,957 51
Totals to balance.....	\$53,161 51	\$37,500 00	\$90,661 51

CONDITION OF SAN FRANCISCO SEAWALL SINKING FUND.

December 31, 1908.

PRINCIPAL.

Total of transfers of principal.....	\$51,993 41	.....
City of Oakland Municipal Improvement 4½% bonds, on 4½% basis		\$20,254 00
City of San Diego Municipal Improvement 4½% bonds, on 4½% basis		20,333 30
Accrued interest (not collected).....		523 47
Present value of investments (bonds at par).....		\$50,110 77
Balance of principal in fund (not invested).....		3,457 51
Excess value of fund over transfers.....	1,574 87	.....
Total value of fund (bonds at par).....	\$53,568 28	\$53,568 28
Bonds sold (redeemable by lot between December 31, 1914, and January 2, 1924).....	\$750,000 00	

INTEREST.

The next payment of semi-annual interest on bonds sold will be due January 2, 1909, and will amount to.....		\$15,000 00
Balance of interest in fund December 31, 1908.....	\$12,500 00	.....
Transfer of interest from S. F. Harbor Impt. Fund to be made January 1, 1909.....	2,500 00	.....
	\$15,000 00	\$15,000 00

STATE OF CALIFORNIA, }
County of Sacramento. } ss.

I, E. C. Cooper, Private Secretary to the Governor of the State of California, do hereby certify: That the within and foregoing papers are a full, true, and correct copy of the report on file in the Governor's office, made by the State Controller and State Treasurer, and an abstract of all their proceedings under said Act.

E. C. COOPER.
Private Secretary.

Subscribed and sworn to before me this 2d day of March, 1909.

[SEAL.]

NORA B. ANDREWS.
Notary Public in and for the County of
Sacramento, State of California.

RESOLUTIONS.

The following resolutions were offered:

By Senator Miller:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and instructed to forward, postage or expressage prepaid, to each member of the Senate, after the adjournment of the Legislature, or as soon thereafter as practicable, one copy of the laws and statutes in chapter form of the thirty-eighth session of the Legislature; and it is further

Resolved, That the sum of one hundred dollars (\$100.00) be appropriated out of the contingent fund of the Senate, payable to the Sergeant-at-Arms of the Senate for packing and for express charges and postage for the transmission of the laws and statutes, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Resolution read and referred to Committee on Contingent Expenses.
Also:

Resolved, That there is hereby appropriated out of the contingent fund of the Senate the sum of two hundred and ninety dollars (\$290.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to Senators to their places of residence at the close of the session. The Sergeant-at-Arms of the Senate shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Wolfe—An Act to amend Section 605 of the Civil Code of the State of California, relating to consolidation of corporations organized for purposes other than profit—have had the same under consideration, and respectfully recommend that the Constitution be suspended, and the Senator be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Wolfe be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Wolfe: Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: Your committee on Elections and Election Laws, to whom was referred the matter of the contested election of U. P. Pumpelly vs. John P. Hare for a seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report on the expenses of said contestee, and recommend that the following expenses be allowed:

John P. Hare, expenses.....	\$38 50
Alfred B. Lawson, commissioner fees.....	100 00
Bernard J. Flood, commissioner fees.....	100 00
John A. Halpin and H. M. Owens, attorney fees.....	250 00
Total.....	\$488 50

And your committee respectfully recommends the adoption of the following resolution: *Resolved*, That the State Controller be, and he is hereby, directed to draw his warrant in favor of the following named persons for the amounts set opposite their names, the same to be paid out of the contingent fund of the Senate, and the State Treasurer is hereby directed to pay the same:

John P. Hare, expenses.....	\$38 50
Alfred B. Lawson, commissioner fees.....	100 00
Bernard J. Flood, commissioner fees.....	100 00
John A. Halpin, and H. M. Owens, attorney fees.....	250 00
Total.....	\$488 50

ESTUDILLO, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Hartman, Holohan, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

RUSH, Chairman

Senate Bill No. 1190 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 715—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be referred to Committee on Finance.

PRICE, Chairman.

Senate Bill No. 715 ordered referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Also: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Assembly Bills Nos. 1083 and 602 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars (\$5,000.00) for the purposes of repairing the green house, walks and grounds of the State Capitol at Sacramento.

Also: Assembly Concurrent Resolution No. 6—Relative to the provision of suitable offices in the Capitol building for State Agricultural Society.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

STETSON, Chairman.

Senate Bill No. 1203 ordered on file for second reading.

Assembly Concurrent Resolution No. 6 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

STETSON, Chairman.

Assembly Bill No. 162 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred the following Senate resolution:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to dispose of the old and useless furniture of the Senate by sale, or in case said furniture can not be sold, to give it away to charitable institutions—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

STETSON, Chairman.

Report and resolution read and adopted.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Stetson asked for and was granted unanimous consent to have Senate Bill No. 27 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 27—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to pay the cost of dredging said tidal basin; and constructing therein wharves, docks, piers and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to vote of the people.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Strobbridge as a special committee of one to amend, as follows:

By striking out Section 18, and inserting in lieu thereof the following:

Sec. 18. The commission shall have power to ascertain as nearly as practicable the actual value in cash of all the property, real and personal, of every kind and character, of every railroad or transportation company in California, and also the amounts paid for salaries of officers and the wages paid employees.

The commission shall have the power to employ experts when in its judgment the services of experts are necessary.

Also:

Section 39, line 24, amend by inserting the word "rule" after the word "rate."

Also:

Section 44, line 2, amend by inserting after the word "mercantile" the words "commercial or traffic."

Also:

Section 44, line 21, amend by striking out the words "rule" and "mode", and inserting the words "rules" and "modes."

Also:

Section 44, line 60, amend by adding after the word "occurred": "or in any county or city and county into or through which said railroad or transportation company may run or operate".

Also:

Section 44, line 68, amend by placing period after the word "parties", and striking out of lines 68 and 69 the words "and shall be prima facie evidence of the facts contained therein".

Also:

Section 44, line 73, amend by adding after the word "person" the word "firm".

Also:

Section 44, line 76, amend by adding after the word "person" the words "company, firm or corporation".

Also:

Section 42, line 1, amend by striking out all after the word "company" to and including the word "municipal", in line 3.

Also:

Section 66, line 9, strike out the word "unjust".

Also:

Section 32, line 9, strike out all that follows the word "demurrage", in line 9 where it appears second time, and all of lines 10, 11, 12, 13, and 14. Insert after the word "demurrage", in line 9, the words "and for the reasonably prompt transportation of cars."

Also:

Section 2, line 1, strike out the word "six", and insert the word "five."

Also:

Section 42, amend by adding after the word "advance", in line 3, the words "or lower".

Also:

Section 53, amend by striking out all that follows the word "unjust" in line 4, and insert in lieu thereof the words "or discriminatory".

Also:

Section 4, line 3, after the word "appear" insert the word "in".

Also:

Section 4, line 4, strike out the word "in".

And:

Section 58, amend by adding after the word "times", in line 48, the following: "provided, further, that nothing in this Act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications at full rates".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 27, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson the Secretary was directed to issue a rush order for printing Senate Bill No. 27.

SPECIAL ORDER SET.

Senator Stetson moved that the consideration of Senate Bill No. 27 be made a special order for Tuesday, March 9, 1909, at eleven o'clock A. M.
Motion carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Price, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mrs. Price, Mr. F. E. Dowd, Mr. George Lilly, and Mr. W. W. Felt.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS. 6, 7, 11, AND 17.

WHEREAS, The progress, happiness and prosperity of the people of a nation depend upon a homogeneous population;

WHEREAS, The influx from the over-populated nations of Asia of people who are unsuited for American citizenship or for assimilation with the Caucasian race has resulted and will result in lowering the American standard of life and the dignity and wage-earning capacity of American labor;

WHEREAS, The exclusion of Chinese laborers under the existing exclusion laws of the United States has tended to preserve the economic and social welfare of the people;

WHEREAS, We view with alarm any proposed repeal of such exclusion laws and the substituting therefor of general laws;

WHEREAS, The interest of California can best be safeguarded by the retention of said exclusion laws and by extending their terms and provisions to other Asiatic people;

WHEREAS, The people of the Eastern States, and the United States generally, have an erroneous impression as to the real sentiment of the people of the Pacific coast relative to the Asiatic question;

WHEREAS, We think it right and proper that the people of this country should be advised as to our true position on that question; therefore, be it

Resolved, by the Senate and Assembly jointly, That we respectfully urge the Congress of the United States to maintain intact the present Chinese exclusion laws, and instead of taking any action looking to the repeal of said exclusion laws, to extend the terms and provisions thereof so as to apply to and include all Asiatics;

Resolved, That our Senators be instructed, and Representatives in Congress requested, to use all honorable means to carry out the foregoing recommendation and requests;

Resolved, That the Governor of California be and he is directed to transmit a certified copy of these resolutions to the President and Speaker respectively of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Committee substitute read.

During the reading of the committee substitute the following amendment was offered:

By Senator Sanford:

Add after line 28 the following:

AND WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population, our endeavor should be to safeguard and elevate our citizenship by all reasonable restrictions; therefore, be it further

Resolved, That we oppose the proposition to naturalize the Japanese and extend the elective franchise to the alien born of that race as being inimical to the welfare of the American people.

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Burnett, Caminetti, Finn, Hare, Hartman, Holohan, Kennedy, Miller, Sanford, Savage, and Strobridge—11.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Thompson, Weed, Willis, Wolfe, and Wright—20.

The question being upon the adoption of the committee substitute.

The roll was called, and Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Strobridge, Walker, Weed, and Wolfe—28.

NOES—Senators Bell, Hurd, Rush, Stetson, Thompson, Willis, and Wright—7.

EXPLANATION OF VOTE BY SENATOR WILLIS.

MR. PRESIDENT: I voted "No" upon this substitute resolution, although largely in sympathy with most of its contents. However, I am convinced that it is very unwise to burden our new President and his administration with a resolution which may embarrass him and undo the good work heretofore accomplished by the Federal Government upon this most important international question.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17 ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT NO. 45.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section nineteen of article six, relating to charging juries and appeals in criminal cases.

The Legislature of the State of California, at its regular session commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section nineteen of article six of the Constitution of the State of California shall be amended to read as follows:

Section 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law. On appeal, however, in any criminal case the Appellate Court may consider the evidence, and if upon a review of the whole case it appears that the verdict is just and that substantial justice has been done, the Appellate Court shall disregard technicalities and affirm the judgment.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 45 refused adoption by the following vote:

AYES—Senators Bell, Black, Boynton, Caminetti, Cartwright, Holohan, Lewis, Rush, Stetson, Thompson, Walker, Willis, and Wolfe—13.

NOES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Savage, Strobridge, Weed, Welch, and Wright—23.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT NO. 51.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section six of article four thereof, relating to senatorial and legislative districts.

The Legislature of the State of California, at its regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California, by amending section six of article four thereof to read as follows:

Section 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty Senatorial districts as nearly equal in population as may be and composed of contiguous territory, and each thereof shall choose one Senator. Each county, or city and county, shall constitute an Assembly district, and the State shall be divided into as many additional Assembly districts as will make up the difference between the number of counties, or cities and counties, in existence at the time the apportionment is made, and the number of members of the Assembly: such districts to be as nearly equal in population as may be and composed of con-

tiguous territory. Each of such counties, and cities and counties, and each of such additional Assembly districts, shall choose one member of the Assembly. The Senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the Assembly districts shall be numbered one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such additional Assembly districts no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any such district. The census taken under the direction of the Congress of the United States, in the year one thousand nine hundred and ten, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as nearly equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment the following amendment was offered:

By Senator Caminetti:

Strike out all of Section 6, on pages 1 and 2, and insert in lieu thereof the following: Section 6. For the purpose of choosing members of the Legislature, the State shall be divided into Senatorial and Assembly districts, as follows:

1. Into as many Senatorial districts as there are counties, and cities and counties, in the State, which shall be numbered in numerical order; and,

2. Into eighty Assembly districts which shall be numbered from one to eighty, in numerical order, commencing for said Senatorial and Assembly districts, at the northern boundary of the State, and ending at the southern boundary thereof.

Assembly districts shall be as nearly equal in population as may be, and composed of contiguous territory.

Each Senatorial district shall choose one Senator, and each Assembly district shall choose one member of the Assembly.

In the formation of such Assembly districts no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any such district. The census taken under the direction of the Congress of the United States, in the year one thousand nine hundred and ten, and every ten years thereafter, shall be the basis of fixing and adjusting the Assembly districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as nearly in equal population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any such district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Amendment read, and ordered printed in the Journal.

Senate Constitutional Amendment No. 51 ordered on file as unfinished business.

Senate Constitutional Amendment No. 12—Relative to recall by electors of elective officials.

On motion of Senator Anthony, Senate Constitutional Amendment No. 12 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 18—A joint resolution to provide for an examination into State insurance systems of various nations and states.

On motion of Senator Caminetti, Senate Joint Resolution No. 18 was temporarily passed on file, to retain its place.

Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class not having a freeholders' charter.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 709 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 710 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 336—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 337—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 337 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

On motion of Senator Savage, Senate Bill No. 444 was temporarily passed on file, to retain its place.

Senate Bill No. 933—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

On motion of Senator Martinelli, Senate Bill No. 933 was temporarily passed on file, to retain its place.

Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 968 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Stetson, Strobridge, Thompson, Walker, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Senate Bill No. 973 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 919 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making an appropriation therefor.

Also: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 143—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Senate Bill No. 144—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Senate Bill No. 149—An Act providing for an appropriation of twenty-five hundred dollars to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 164—An Act appropriating money for the building and furnishing of two cottages at the Preston School of Industry.

Also: Senate Bill No. 169—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 179—An Act to amend Sections 270, 270a and 270b of the Penal Code of California.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Also: Senate Bill No. 146—An Act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 241—An Act to provide for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 4th day of March, 1909, at twelve o'clock M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate concurrent resolution:

Senate Concurrent Resolution No. 13—Approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909—and report that the same have been correctly enrolled, and presented the same to the Governor on this third day of March, 1909, at three o'clock P. M.

STROBRIDGE, Chairman.

THIRD READING OF SENATE BILLS—(RESUMED).

SENATE JOINT RESOLUTION No. 18.

A joint resolution to provide for an examination into state insurance systems of the various nations and states.

Be it resolved by the Senate and the Assembly, jointly, That the State Librarian, through the legislative bureau of the State Library, be directed to examine to the extent that the same may be done by correspondence, into the operation and result of state insurance systems in the various nations and states, and to collect statistics, public reports, official and general data bearing on the working of such systems; such examination to have special reference to insurance systems now in operation for the benefit of laboring men.

Be it further resolved, That the State Librarian submit the result of such examination for the use of the next session of the Legislature.

Senate joint resolution read.

During the reading of the Senate joint resolution, the following substitute was offered:

By Senator Caminetti:

SENATE CONCURRENT RESOLUTION.

A concurrent resolution to provide for an examination into state insurance systems of the various nations and states

Be it resolved by the Senate, the Assembly concurring, That the State Librarian, through the legislative bureau of the State Library and the Insurance Commissioner, be directed to examine to the extent that the same may be done by correspondence, into the operation and result of state insurance systems in the various nations and states, and to collect statistics, public reports, official and general data bearing on the working of such systems; such examination to have special reference to insurance systems now in operation for the benefit of laboring men.

Be it further resolved, That the State Librarian and the Insurance Commissioner submit the result of such examination for the use of the next session of the Legislature.

Substitute read and adopted.

Senate Concurrent Resolution Substitute for Senate Joint Resolution No. 18 ordered to print and on file.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. R. L. Bigelow and E. A. Lane.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. L. R. Poundstone of Amador County.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight, or

cock fight is advertised or represented to take place, and to provide a punishment therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WEED, Chairman.

Assembly Bill No. 16 ordered on file for second reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

And:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as section 7 $\frac{1}{2}$, providing for additional officers and employees, and fixing their salaries.

During second reading of bill, the following amendments were submitted by committee:

Amend page 2, Section 1, line 17, by striking out the words "three thousand", and inserting in lieu thereof "three thousand six hundred".

Amendment adopted.

Also:

Amend page 4, Section 7, line 6, by striking out the words "two live stock inspectors".

Amendment adopted.

Also:

Amend page 4, Section 7, lines 8 and 9, by striking out the words "the salary of each live stock inspector shall be fifteen hundred dollars per annum".

Amendment adopted.

Also:

Amend page 4, Section 7, line 13, by striking out the words "and each live stock inspector".

Amendment adopted.

And:

Amend page 4, Section 7, line 15, by striking out the word "their", and inserting in lieu thereof the word "his".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 977—An Act to add a new section to title sixteen of part four of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

During second reading of bill, the following amendments were submitted by committee:

On page 1 amend the title by striking out all of line 2 thereof after the word "code" and all the remainder of the title, and by inserting in lieu thereof the following: "relating to the public schools".

Amendment adopted.

And:

On page 1, line 3, of the printed bill, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 687—An Act to amend Section 1532 of Article II, of the Political Code, by defining the duties of the Superintendent of Public Instruction.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2, of the title, after the number "1532" strike out the words "of Article II".

Amendment adopted.

Also:

On page 1, line 1, of the printed bill, after the number "1532" strike out the words "of Article II".

Amendment adopted.

Also:

On page 1, line 1, of the printed bill, at the beginning of the line insert the following: "Section 1".

Amendment adopted.

And:

On page 1, line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide

for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of license issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

During second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by striking out of Section 2, line 5, the words "two thousand", and inserting in lieu thereof the following: "twenty-four hundred".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bates, Burnett, Caninetti, Campbell, Curtin, Hare, Hartman, Kennedy, Miller, Rush, Stetson, Walker, Weed, Welch, and Wolfe—15.

NOES—Senators Birdsall, Boynton, Estudillo, Hurd, Leavitt, Lewis, Martinelli, Price, Savage, Strobridge, and Thompson—11.

MOTION TO RECONSIDER CARRIED.

Senator Wolfe moved that the vote whereby the following amendment to Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State—

Amend by striking out of Section 2, line 5, the words "two thousand", and inserting in lieu thereof the following, "twenty-four hundred".

was adopted, be now reconsidered.

Motion was duly seconded and carried.

The question now being upon the adoption of the amendment.

Senator Wolfe asked for and was granted unanimous consent to withdraw the amendment.

Assembly Bill No. 830 read second time, and ordered on file for third reading.

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Bill read second time, and ordered on file for third reading.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants, and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Willis as a special committee of one to amend, as follows:

Immediately after the word "California", line 27, page 2, Section 1, of said bill strike out the period and insert a semicolon, and the following: "*provided further*, that the commencement, construction and completion of the water works hereinbefore mentioned, for conducting said waters to the place of intended use, shall be deemed to be the commencement, construction and completion of the works by which such municipality intends to divert said waters, within the meaning of Sections 1416 and 1422 of said Civil Code."

And:

Strike out all of Section 3, page 2, of said bill, and insert in lieu thereof the following: SEC. 3. When any selection of the right of way or land for such water works or adjuncts thereto is made by any municipal corporation, the legislative authority thereof must transmit to the Surveyor General, Controller of the State, and county recorder of the county in which the lands are situated, a plat of the land so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the plat be approved by the Surveyor General, he must so endorse the same, and issue to the municipal corporation a permit to use such right of way and lands. Such permit shall be recorded in the office of the recorder of the county in which the right of way and lands are situated, and within thirty days thereafter any party interested may present a petition to a court of competent jurisdiction, for a review of the action of the Surveyor General, in granting such permit. If no such petition be presented, or, if having been so presented, is denied upon the hearing thereof or upon appeal properly taken, such permit shall become final. If upon such hearing or appeal, a review is had and such use prohibited, such permit shall be canceled and annulled.

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Willis as a special committee of one to amend, as follows:

On page 2, Section 1, line 14, of the printed bill, as amended in Senate, February 5, 1909, strike out the word "ther-to" and insert in lieu thereof the word "thereto."

Also:

On page 2, Section 1, of the printed bill, as amended in Senate, February 5, 1909, in line 22, after the word "purposes" strike out the period and all the remainder of said section after said period, and insert in lieu thereof the following: "*; provided, however*, that any municipal corporation desiring to take any such waters for the purposes specified in this Act, must, within one year after this Act takes effect, commence the construction of said water works, and the legislative authority thereof must also, within six months after the Act takes effect, cause a notice, signed in its corporate name by its mayor or other executive officer, to be recorded in the office of the county recorder of any county in which such stream or lake is situated, stating that said municipal corporation has the right to take, for said purposes, all waters belonging to the State, not otherwise disposed of, or a specified portion of such waters to the extent of (giving the number) inches measured under a four-inch pressure, now or hereafter flowing or existing in any such stream or lake; and that the construction of said water works must be prosecuted diligently to completion, unless temporarily interrupted by any unavoidable or extraordinary emergency; and that if any such waters be not taken within three years after the completion of said water works, the right of said municipal corporation to take the same, under the provisions of this Act, shall cease; *and provided further*, that for the purpose of the taking of said waters by any municipal corporation, under the provisions of this Act, the words "water works" as used herein shall be construed to be the main works

by which such municipal corporation proposes to convey said waters to the place of intended use and store the same, exclusive of works for taking said waters from such stream or lake and conducting the same to the main works by which they are to be so conveyed and stored, and also exclusive of any system of works for the distribution to consumers or to the inhabitants of such municipal corporation of said waters so conveyed and stored."

And:

On page 2 of the printed bill, as amended in Senate February 5, 1909, strike out all of Section 3, and insert in lieu thereof the following:

SEC. 3. When any selection of the right of way or land for such water works or adjuncts thereto is made by any municipal corporation, the legislative authority thereof must transmit to the Surveyor General, Controller of the State, and county recorder of the county in which the lands are situated, a plat of the land so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the plat be approved by the Surveyor General, he must so endorse the same, and issue to the municipal corporation a permit to use such right of way and lands. Such permit shall be recorded in the office of the recorder of the county in which the right of way and land are situated, and within thirty days thereafter, any party interested may present a petition to a court of competent jurisdiction, for a review of the action of the Surveyor General in granting such permit. In the event that no such petition be presented, or if, having been so presented, such review is denied, such permit shall become final; if, upon the presentation of any such petition, a review is had and such use prohibited, such permit shall be canceled and annulled.

Amendments read, and ordered printed in the Journal.

Assembly Bill No. 422 ordered on file as unfinished business.

UNFINISHED BUSINESS.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 13.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section nine of article eleven thereof, relating to the compensation of officers and the extension of the term of officers.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section nine, of article eleven of the Constitution of the State of California, be amended to read as follows:

"Section 9. The compensation of any State, county, city, town, township or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed."

The vote whereby the Assembly constitutional amendment was refused adoption having been reconsidered on previous day.

The question being upon the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 13 refused adoption by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, Catten, Estudillo, Hurd, Martinelli, Rush, Sanford, Stetson, Strobridge, Thompson, and Wolfe—16.

NOES—Senators Bates, Bills, Black, Burnett, Curtin, Hare, Hartman, Kennedy, Leavitt, McCartney, Miller, Price, Savage, Walker, Weed, and Willis—16.

Assembly Constitutional Amendment No. 13 ordered transmitted to the Assembly.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Wolfe, Assembly Bill No. 1040 was ordered withdrawn from Committee on Corporations, and ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 377—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as

recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier-General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

On motion of Senator Boynton, Assembly Bill No. 377 was ordered referred to Committee on Finance.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

SENATOR WILLIS IN THE CHAIR.

At two o'clock and twenty-eight minutes P. M., Senator Willis of the Thirtieth District in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 61—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the word, "sixteen", and inserting in lieu thereof the word "fourteen".

Also:

By striking out of Section 1, line 19, the word "four", and inserting in lieu thereof the word "two".

And:

By striking out of Section 1, line 25, the word "four", and inserting in lieu thereof the word "two".

Amendments read, and ordered printed in the Journal.

SPECIAL ORDER SET.

Senator Welch moved that the further consideration of Assembly Bill No. 61 be made a special order for Tuesday, March 9, 1909, immediately after the reading of the Journal.

Motion carried.

Assembly Bill No. 445—An Act to regulate the hours of labor in mines.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 445 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsell, Black, Burnett, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Willis—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish.

On motion of Senator Welch, Assembly Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403½, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Kennedy as a special committee of one to amend, as follows:

By striking out the title, and inserting in lieu thereof the following: "To amend Section 402c of the Penal Code, relating to an Act to establish and support a Bureau of Labor Statistics."

Also:

After the enacting clause insert the following: "SECTION 1. Section 402c of the Penal Code is hereby amended to read as follows:"

Also:

By striking out of Section 1, line 3, the figures "403½", and inserting in lieu thereof the following: "402c".

Also:

By striking out of Section 1, line 10, the figures "12", and insert in lieu thereof the following: "Twelve".

And:

By striking out after the word "Statistics", and inserting in lieu thereof the following: "approved March 3, 1883, approved February 20, 1901."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 193, with instructions to amend, respectfully reports the same back, amended as per instructions.

KENNEDY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

On motion of Senator Thompson, Assembly Bill No. 992 was temporarily passed on file, to retain its place.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as Section 1987 and Section 2107, both relating to the National Guard.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anthony moved to refer to Senator Thompson as a special committee of one to amend, as follows:

Amend Section 1, of the printed bill, by inserting after the comma following the word deserter, in line 6, the following: "except when such absence is caused by sickness, the fact of such sickness to be established by doctor's certificate."

Also:

Amend Section 2, line 20, page 3, of the printed bill, by inserting a comma after the word arsenals.

Also:

Amend Section 2, line 20, page 3, of the printed bill by striking out the following: "and superintend".

And:

Amend Section 2, page 3, of the printed bill, by striking out the period after the word thereon, in line 23, and inserting in lieu thereof a semicolon and also the following: "provided, that it shall be the duty of the State Engineer to furnish the plans, estimates, and specifications for all armories and arsenals, and to superintend the erection and construction of such buildings."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 171—An Act to furnish arms for the use of military academies in the State.

On motion of Senator Anthony, Assembly Bill No. 171 was temporarily passed on file, to retain its place.

Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager, and proprietors of livery and feed stables, and persons pasturing stock, and providing the punishment for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 finally passed by the following vote:

AYES—Senators Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Stobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 846—An Act to amend Section 1213 of the Civil Code of the State of California, relating to the recording of conveyances

of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong manner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Stetson, Weed, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 9.

Relating to Federal improvement of Newport Bay, in Orange County.

WHEREAS, The joint committee of the Senate and Assembly appointed by the Legislature of the State of California on March 14, 1907, has brought to the notice of the Assembly of California, that there exists in the county of Orange, in the State of California, an important body of navigable water which is susceptible of being converted into an inland harbor, and thus greatly advancing the harbor facilities of the State of California; and

WHEREAS, The completion of the Panama canal will tax to its fullest extent the harbors of the State of California, and

WHEREAS, Newport Bay in said county of Orange, State of California, is surrounded by a vast area of exceedingly productive land and which needs and requires a direct shipping point by water; and

WHEREAS, The fact has been satisfactorily established that by the construction of proper jetties at the mouth or inlet of said harbor that the same can be developed into and made to be a valuable and safe harbor, susceptible of receiving and accommodating a large commerce; now, therefore, be it

Resolved by the Senate and Assembly of the Legislature of the State of California, jointly, That we hereby urge and request our Senators and Representatives in Congress to use all honorable means to procure the said Newport Bay to be properly examined and surveyed under the authority of the Federal Government and its feasibility as a harbor be established; and be it further

Resolved, That we urge and request our Senators and Representatives in Congress to use all honorable means to procure an appropriation sufficient and adequate for the purpose of building at the mouth or inlet of Newport harbor, in the county of Orange, State of California, twin jetties of sufficient proportions to protect and develop the mouth and inlet of said harbor and in addition thereto, procure a reasonable amount for the purpose of dredging said harbor at the mouth or inlet and channels thereof; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and to each member of Congress from the State of California.

Assembly joint resolution read.

The question being upon the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Holohan, Kennedy, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Assembly Joint Resolution No. 9 ordered transmitted to the Assembly.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Read third time.

On motion of Senator Burnett, Senate Bill No. 167 was temporarily passed on file, to retain its place.

Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2011, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anthony moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

Amend Section 17, page 13, line 4, of the printed bill, by inserting before the word "upon" the following: "Two months previous to the expiration of the term of service of any officer, or".

Also:

On page 12, strike out the whole of Section 15.

And:

In the title, strike out the words and figures "one thousand nine hundred and fifty-six,".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 302, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Assembly Bill No. 753—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 753 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—27.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1111—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss, and to pay the cost of such insurance from the revolving fund for the purchase of jute.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1111 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cutten, Estudillo, Hare, Hartman, Hurd, Kennedy, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs.

On motion of Senator Willis, Assembly Bill No. 650 was temporarily passed on file, to retain its place.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Read third time.

On motion of Senator Roseberry, Assembly Bill No. 44 was temporarily passed on file, to retain its place.

Assembly Bill No. 442—An Act to amend "An Act to provide work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 442 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Lewis, Miller, Price, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 733 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Black, Burnett, Campbell, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Miller, Price, Roseberry, Rush, Savage, Stetson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. E. L. Chloopeck of San Francisco.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or

streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

On motion of Senator Wright, Assembly Bill No. 827 was temporarily passed on file, to retain its place.

Assembly Bill No. 842—An Act to amend Section 10 of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 671—An Act to prevent the formation and prohibit the existence of secret oath-bound fraternities in the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 671 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senators Birdsall, Cutten, Finn, Hare, and Hartman—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF APPROPRIATION BILLS.

On motion of Senator Leavitt, the Special File of Appropriation Bills was taken up.

Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Bill read second time, and ordered on file for third reading.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 387—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 6, by striking out the word "valley", and inserting in lieu thereof the word "county".

Amendment adopted.

And:

Amend title, by striking out the word "valley", and inserting in lieu thereof the word "county".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 234—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Catten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "The congregating-room," and to make appropriation for the same.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, of printed bill, strike out all of "Section 3."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

During second reading of bill, the following amendment was submitted by committee:

On page 1, of printed bill, strike out all of "Section 3".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, strike out the figures "\$40,000", and insert in lieu thereof the following: "\$20,000".

Amendment adopted.

And:

On page 1, Section 3, line 2, strike out the words "its passage", and insert in lieu thereof the following: "July 1st, 1909".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 38 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Campbell, Cullen, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Walker, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1080—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 283—An Act to provide equipment for the state pathological laboratory at Whittier, and making an appropriation therefor.

Bill read second time, ordered to print, and on file for third reading.

Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 173—An Act authorizing the State Veterinarian to employ during the balance of the sixtieth and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Stetson asked for, and was granted, unanimous consent to withdraw Senate Bill No. 892—An Act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Senate Bill No. 892 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Campbell, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Roseberry, Rush, Sanford, Savage, Stetson, Strobidge, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and State Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.

During the reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 359.

An Act to authorize certain improvements upon the buildings, grounds, and streets adjacent to the grounds of the California Institution for the Deaf and the Blind at Berkeley, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirteen thousand one hundred and forty-four dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to be paid to the directors of the California Institution for the Deaf and Blind at Berkeley, for the purpose of repairing and improving the plumbing in the buildings of said institution, installing electric lights, making renewals to the water system, laying water pipes and installing hydrants and chemical fire extinguishers for fire protection, and for street improvements on Derby street, Dwight way, and Warring street, adjacent to the grounds of said institution, and laying a cement sidewalk thereon, and such other work and materials as may be necessary in connection with the improvements herein mentioned.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the board of directors of said institution for the money hereby appropriated, and the State Treasurer is hereby directed to pay said warrants.

SEC. 3. All bids for material and labor in carrying out the provisions of section one of this Act shall be first audited by the board of directors of said institution, and approved by the State Board of Examiners before being paid.

SEC. 4. This Act shall take effect immediately.

Committee substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill 540—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars (\$6527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 5, by striking out the words "at a cost".

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "replace", insert the words "property destroyed by fire and earthquake".

Amendment adopted.

And:

On page 1, Section 1, strike out lines 6, 7, 8, 9, 10, 11, and 12.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fire proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs.

During second reading of bill, the following amendments were submitted by committee:

Amend printed bill, page 1, Section 1, line 8, by striking out the words "the estimated cost of said enlargement being ten".

Amendment adopted.

Also:

On page 1, Section 1, strike out all of lines 9, 10, 11, 12, and 13.

Amendment adopted.

Also:

On page 2, Section 1, strike out all of lines 14, 15, 16, 17, 18, 19, 20, and 21.

Amendment adopted.

Also:

On page 2, strike out all of Section 4.

Amendment adopted.

Also:

On page 2, Section 1, line 15, strike out the word "the", and insert in lieu thereof the word "be".

Amendment adopted.

And:

On page 2, strike out all of Section 5.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 757 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Cullen, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 974—An Act to provide for the purchase of portraits of former Governor George C. Pardee and Lieutenant-Governor Alden Anderson, by the State Board of Examiners, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 3, by striking out the words "portraits of former Governor George C. Pardee, and", and inserting in lieu thereof the words "a portrait of former".

Amendment adopted.

Also:

Amend Section 1, line 5, by striking out the words "one thousand", and inserting in lieu thereof the words "five hundred".

Amendment adopted.

Also:

Amend Section 1, line 6, by striking out the word "portraits", and inserting in lieu thereof the word "portrait".

Amendment adopted.

Also:

Amend Section 2, line 1, by striking out the words "one thousand", and inserting in lieu thereof the words "five hundred".

Amendment adopted.

And:

Amend title by striking out the words "portraits of former Governor George C. Pardee, and", and inserting in lieu thereof the words "a portrait of former".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 69—An Act to make an appropriation for the location, survey, and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Bill read second time, and ordered on file for third reading.

Senate Bill 714—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 716—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located in Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 1, by striking out the word "eleven", and insert in lieu thereof the word "five".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 1, by striking out the word "ten" and inserting in lieu thereof the word "five".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 124—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water

distributing systems at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, strike out the figures "\$30,000.00", and insert in lieu thereof the figures "25,000.00".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said building, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 1, by striking out the figures "\$45,000.00", and inserting in lieu thereof the figures "\$35,000.00".

Amendment adopted.

Also:

Amend page 1, section 1, line 5, by striking out the figures "\$35,000.00", and insert in lieu thereof the figures "\$27,500.00".

Amendment adopted.

And:

Amend page 1, Section 1, line 7, by striking out the figures "\$10,000.00", and insert in lieu thereof the figures "\$7,500.00".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, lines 1 and 2, by striking out the words and figures "fifty-two thousand five hundred (\$52,500)", and inserting in lieu thereof the words "thirty thousand".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 123—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 84—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 125—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 2, line 1, by striking out the word "twenty-five", and inserting in lieu thereof the word "ten".

Amendment adopted.

Also:

Amend title by striking out therefrom the word "twenty-five", and inserting in lieu thereof the word "ten".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Caminetti, Campbell, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 221 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Roseberry, Savage, Thompson, Walker, Weed, Wolfe, Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Roseberry, Savage, Stetson, Thompson, Walker, Wolfe, and Wright—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children at Eldridge, California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery.

Bill read second time, and ordered on file for third reading.

Senate Bill No 66—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, of printed bill, lines 3 and 4 of title, strike out the words "to be used as a gymnasium".

Amendment adopted.

And:

On page 1, Section 1, line 7, of printed bill, strike out the words "to be used as a gymnasium".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, strike out the words and figures five thousand "\$5000", and insert in lieu thereof the following: "\$2000."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 447—An Act making an appropriation for the erection and construction of of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen; to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in said building of a cold-storage

and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 1, by striking out the word "twenty-five", and inserting in lieu thereof the word "fifteen".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 939 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Caminetti, Curtin, Cutton, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and fifty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases of hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 200—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the

purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

During second reading of bill, the following amendments were submitted by committee:

Strike out of title lines 4 and 5, and insert in lieu thereof the following: "Making a preliminary survey of Humboldt Bay and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay, and as to the best manner of removing said deposits, that the navigability of said bay may be improved, and making an estimate of the cost thereof."

Amendment adopted.

And:

Strike out all of Section 1, and insert in lieu thereof the following:

SECTION 1. The sum of two thousand dollars or so much thereof as may be necessary is hereby appropriated, to be paid to the Department of Engineering, to be expended for the purpose of making a preliminary survey of Humboldt Bay, and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay, and as to the best manner of removing said sand and other deposits, that the navigability of said bay may be improved, and making an estimate of the cost thereof.

Amendment adopted.

Bill read second time, and ordered to print, and on file for third reading.

Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

During second reading of bill, the following amendment was submitted by committee:

Amend page 2, Section 2, line 5, by striking out the words "in addition".

Amendment adopted.

Also:

Offered by Senator Cutten:

On page 1, Section 1, line 8, insert before the word "and" the following words and figures: "Section 24, township 1 N., R. 1 E., H. M., section 19, township 1 N., R. 2 E., H. M.,".

Amendment adopted.

Also:

On page 1, Section 1, line 8, insert before the word "or" the words "H. M.,".

Amendment adopted.

And:

On page 1, Section 1, line 8, insert after the word "one" the words "or more".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 19—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 639—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton

State Hospital, together with the installation of a telephone system in said building, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 972—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

During the second reading of bill, the following amendment was submitted by committee:

On page 1, of printed bill, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 1, by striking out the figures "70,000.00", and insert in lieu thereof the figures "35,000.00".

Amendment adopted.

Also:

Amend page 1, Section 1, lines 6 and 7, by striking out the following: "two (2) convalescent cottages—one (1) for males and one (1) for females", and inserting in lieu thereof the words "one convalescent cottage".

Amendment adopted.

And:

Amend title by striking out the words "two convalescent cottages—one for males and one for females", and inserting in lieu thereof the words "one convalescent cottage".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Etna Life Insurance Company of Hartford, Connecticut, against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1018—An Act to appropriate the sum of \$1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1019—An Act to appropriate the sum of \$800.95 to pay the claim of the Bankers' Life Association, of Des Moines, Iowa, against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1024—An Act to appropriate the sum of \$903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1025—An Act to appropriate the sum of \$1,100.30 to pay the claim of the Life Association of America against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1026—An Act to appropriate the sum of sixty and 60-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance, and hospital appliances, and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 93—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treat-

ment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Savage, Thompson, Walker, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 831 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Kennedy, Leavitt, Martinelli, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Committee Substitute "A" for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of the officers, guards, and employees at the State Prison at Folsom, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "A" for Senate Bill No. 772 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell,

Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings at the State Prison at Folsom, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "B" for Senate Bill No. 772 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Burnett asked for and was granted unanimous consent to have Senate Bill No. 314 taken up for consideration, out of order, for the purpose of amendment.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Miller as a special committee of one to amend, as follows:

Commencing with the word "by", in the title of said Act, strike out all down to and including the word "section".

Also:

On page 1, lines 2 and 3, strike out the words "by adding a new subdivision thereto, to be known as subdivision 17, and", and in line 1, after word "Code" insert "of the State of California."

Also:

On page 1, strike out lines 8, 9, 10, 11, 12, 13, and 14, and insert in lieu thereof the following: 1. The county clerk, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy clerk, who shall be appointed by the county clerk and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid."

Also:

On page 2, line 26, commence with the word "but" and strike out all down to and including the word "year" in line 28.

Also:

On page 2, line 30, strike out the word "six", and insert in lieu thereof the word "eight".

Also:

On page 2, line 33, after the word "thousand" insert the words "two hundred".

Also:

On page 2, strike out all of lines 35 down to and including the last word in line 45, and insert in lieu thereof the following: "7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed one deputy, who shall be appointed by the assessor, and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the

same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputy, among other things to make and correct all necessary plats, maps, and block books for the assessor's office. There shall also be allowed one copyist, to be appointed by the assessor, who shall be paid a salary of nine hundred dollars a year, at the same time, in the same manner and out of the same fund as the salary of the assessor is paid; *provided also*, that for each name upon the assessment roll, representing one or more statements, in excess of four thousand five hundred, the assessor shall receive fifty cents."

Also:

On page 2, line 21, strike out word "so".

Also:

On page 2, line 46, after the word "thousand" insert the words "two hundred".

Also:

On page 2, line 51, strike out the word "one", and insert in lieu thereof the word "two", and in the same line strike out the words "five hundred".

Also:

On page 3, line 54, change word "expense" to "expenses".

Also:

On page 3, line 58, strike out the word "fifty", and insert in lieu thereof the words "nine hundred".

Also:

On page 3, line 59, strike out the word "month", and insert in lieu thereof the word "annum".

Also:

On page 3, line 59, strike out the word "and", and insert a comma; and in the same line, after the word "manner", insert the following: "and out of the same fund".

Also:

On page 3, strike out all of line 60, and insert in lieu thereof "the salary of the superintendent of schools is paid."

Also:

On page 3, line 66, strike out the word "be".

Also:

On page 3, line 68, strike out words "and correct".

Also:

On page 3, line 68, after the word "necessary" strike out the word "plats", and insert in lieu thereof "county and road".

Also:

On page 3, strike out of lines 69 and 70 the following: "and block books for the assessor's office, and all necessary county and road maps".

Also:

On page 3, line 73, strike out the comma and the following: "on the representations of the county surveyor".

Also:

On page 3, line 75, after the word "work" insert the words "other than with regard to roads", and in same line strike out the word "shall", and insert in lieu thereof the word "may".

Also:

On page 3, after the last word on line 80, insert the following: "The office of the surveyor shall be kept open for the accommodation of the public, with the surveyor or his deputy in charge, from nine o'clock A. M. until five o'clock P. M., the same as other county offices".

Also:

On page 3, line 84, after the word "the" insert the words "last preceding"; and in same line strike out the words "of nineteen hundred".

Also:

On page 4, after the last word in line 116 strike out the period and insert a semicolon and the following: "*provided, also*, that in townships of the first class the justice may appoint a clerk who may issue and sign all attachments, summons or other process and receive and file all pleadings, and either the justice or his clerk shall be in the office for the time other county officers are required to be open."

Also:

On page 4, line 121, after the word "second" insert the words "and third".

Also:

On page 4, lines 121 and 122, strike out the words "in townships of the third class, eighty dollars:".

Also:

On page 5, lines 134 and 135, strike out the words "both going and returning".

Also:

On page 5, after the last word in line 136 strike out the period and insert a comma and the following: "for one way only."

And:

On page 5, commencing with the first word in line 156, strike out all down to and including the last word in the last line on page 6.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 314, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORT OF COMMITTEE ON FREE CONFERENCE—(OUT OF ORDER).

The following report of special committee was received:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Joint Resolution No. 3—Relative to transportation rates, and urging our Representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Transue, and Drew—and we report that the Free Conference Committee agreed upon and recommend the following amendments:

By striking out lines 20 and 21, on page 1, and lines 22 up to and including 30, on page 2, and inserting in lieu thereof the following:

WHEREAS, It is important to the people of this State that a line of steamers be established between the ports of the Pacific coast and the Isthmus of Panama; and

WHEREAS, Senator Flint and Representative McLachlan have recently introduced in Congress a bill calling for an appropriation of ten million dollars to establish a Federal line of steamers on the Pacific coast; therefore, be it".

And:

Strike out lines 37 to 50, inclusive, on page 2, and insert the following:

"Resolved, That we recommend the speedy establishment of the line proposed in said bills introduced by Senator Flint and Representative McLachlan at as early a date as possible, in order that relief may be afforded to the manufacturers, merchants, and producers of this State, and".

SANFORD.

CUTTEN.

BLACK.

Committee on Free Conference.

Report and amendments read.

The question being upon the adoption of the report and amendments.

The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Senate Joint Resolution No. 3 ordered to print and reëngrossment.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 774 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute "A" for Senate Bill No. 882—An Act provid-

ing for the repairing of the buildings at the State Prison at San Quentin, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "A" for Senate Bill No. 882 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute "B" for Senate Bill No. 882—An Act providing for the construction of cottages for the use of guards and employees at the State Prison at San Quentin, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute "B" for Senate Bill No. 882 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Sanford, Savage, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 1, line 3, by striking out the following: "twenty thousand (\$20,000)", and inserting in lieu thereof the words "five thousand".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 1, line 3, by striking out the following: "eight thousand (\$8,000)", and inserting in lieu thereof the words "six thousand".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 1, line 3, by striking out the following: "eight thousand (\$8,000)", and inserting in lieu thereof the words "six thousand".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 790—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 3, by striking out the following: "forty-six hundred (\$4,600.00)", and insert in lieu thereof the words "twenty-three hundred".

Amendment adopted.

Also:

Amend Section 1, line 4, by striking out the words "two cottages", and inserting in lieu thereof the words "one cottage".

Amendment adopted.

And:

Amend title by striking out the word "cottages", and inserting in lieu thereof the words "one cottage".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 1, line 3, by striking out the following: "eleven thousand (\$11,000)", and inserting in lieu thereof the words "ten thousand".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 792—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curdin, Cutton, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curdin, Cutton, Estudillo, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 668 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Cutton, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 669 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curdin, Cutton, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Cutten, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At four o'clock and twenty minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 912 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 3, by inserting after the word "University" the following: "in those portions of the State not benefited by the Southern California Pathological Laboratory".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 504—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and re-equipping for the accommodation and treating of patients buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

During second reading of bill, the following amendments were submitted by committee:

Amend page 2, Section 2, lines 1 and 2, by striking out the words "three hundred and seventy-five", and inserting in lieu thereof the words "two hundred".

Amendment adopted.

Also:

Amend page 2, Section 5, as follows: On line 1 strike out the words "seventy-five", and insert in lieu thereof the word "fifty". On line 3, strike out the words "and fifty". On line 4, strike out the words "and one hundred".

Amendment adopted.

And:

Amend title by striking out the words "three hundred seventy-five", and inserting in lieu thereof the words "two hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey, and construction of a state highway from a point known as the "Mt. Pleasant Ranch," on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 3, by striking out the words and figures "twenty-five thousand dollars (\$25,000)", and inserting in lieu thereof the words "eight thousand dollars".

Amendment adopted.

Also:

Amend page 1, Section 1, line 8, by striking out the words and figures "seven thousand five hundred dollars (\$7,500.)", and insert in lieu thereof the words "four thousand dollars".

Amendment adopted.

Also:

Amend page 1, Section 1, line 9, by striking out the words and figures "seven thousand five hundred dollars (\$7,500.)", and insert in lieu thereof the words "four thousand dollars".

Amendment adopted.

Also:

Amend page 1, Section 1, line 10, by striking out the word "August", and inserting in lieu thereof the word "July".

Amendment adopted.

And:

Amend page 1, Section 1, lines 10, 11, and 12, by striking out all after the figures "1909", on line 10, and inserting in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 993 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Mar-

tindell, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out the words "Section 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State Prison at Folsom, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 137—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to Standing Committee on Text-books.

Also: Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, seventeen, and nineteen of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also, repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred

and ninety-seven; also, repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts and parts of Acts amendatory thereof; also, repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also, repealing an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries, and appropriating money to provide a revolving fund for said department.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to contract for, and to construct and maintain, jointly, or in connection with, any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 652 and 653 ordered to enrollment.

Assembly Bills Nos. 137, 250, 594, and 1066 read first time.

Assembly Bill No. 137 ordered referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 250 ordered referred to Committee on Education.

Assembly Bill No. 594 ordered on file, without reference to committee.

Assembly Bill No. 1066 ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 587?"

On page 2, Section 1, lines 10 and 11, of the printed bill, strike out the words "on or before noon on November 30, 1909."

Also:

On page 2, Section 1, line 13, of the printed bill, after the word "thereto" insert the following: "and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business".

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 587 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 773—An Act to change, establish, and per-

manently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Also: Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act", and directing the State Controller and State Treasurer to make such transfer.

Also: Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637c, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight e, to prevent the catching of surf-fish, yellow-fin, or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I of the Political Code of California by adding a new section to said Article I, to be numbered three hundred forty-four, relating to fish and game commissions.

Also: Senate Bill No. 514—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Eel River and the entrance thereto, and Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered Section 633, relating to the protection and preservation of golden-trout.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907, statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 44, 137, 477, 514, 677, 684, 804, 829, 836, 911, 921, 931, and 932 ordered to enrollment.

Assembly Bills Nos. 773, 990, and 1443 read first time.

Assembly Bill No. 773 ordered referred to Committee on County Government.

Assembly Bill No. 990 ordered referred to Committee on Roads and Highways.

Assembly Bill No. 1443 ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Also: Senate Bill No. 647—An Act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred

forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 667?"

On page 1, Section 1, line 11, strike out the word "for", and insert in lieu thereof the following: "upon".

In the absence of the author further consideration of the question was postponed, and Senate Bill No. 667 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 647?"

On page 2, Section 1, line 16, strike out all of said line after the word "meetings", and insert in lieu thereof the following: "The board may transact any and all business and perform all duties imposed upon it by law."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 647 by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Caminetti, Curtin, Cutten, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.
NOES—None.

Senate Bill No. 647 ordered to enrollment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Anthony asked for, and was granted, unanimous consent to have Assembly Bill No. 167 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anthony moved to refer to Senator Burnett as a special committee of one to amend, as follows:

By striking out of Section 2, line 17, page 2, from and including the word "whenever" to and including the period on line 27 thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1909.

MR. SPEAKER: Your special committee of one, to whom was referred Assembly Bill No. 161, with instructions to amend, respectfully report the same back, amended as per instructions.

BURNETT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

And:

Senator Cutten asked for, and was granted, unanimous consent to have Senate Bill No. 1104 taken up out of order, for the purpose of amendment.

Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

During second reading of bill, the following amendments were submitted by committee:

Strike out of title the figures "415½", and insert in lieu thereof the following: "415a".

Amendment adopted.

Also:

Insert after the enacting clause the following:

SECTION 1. A new section, to be known and numbered as Section 415a, is hereby added to the Political Code to read as follows:

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the words "Section 1", and insert in lieu thereof "415a".

Amendment adopted.

Also:

On page 1, Section 1, line 5, insert after word "duty" a comma and the following words: "under the direction of the Secretary of State,".

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out the words and figures "Sec. 2." and connect the sentences.

Amendment adopted.

And:

On page 1, Section 3, line 1, strike out the figure "3," and insert in lieu thereof the figure "2".

Amendment adopted,

Bill read second time, and ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

STETSON, Chairman.

Committee Substitute for Assembly Bill No. 920 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Elections and Election Laws.

WILLIS, Chairman.

Assembly Bill No. 1125 ordered referred to Committee on Elections and Election Laws.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 196—An Act to provide county library systems—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Education.

WILLIS, Chairman.

Assembly Bill No. 196 ordered referred to Committee on Education.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1004—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Senate Bill No. 1004 ordered on file for second reading.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 458—An Act to provide for the levy and collection of tax on income.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, line 9, after the words "for physicians" insert the words "and dentists:"

Amendment adopted.

Also:

On page 1, Section 2, line 9, after the word "medical" insert the words "or dental".

Amendment adopted.

Also:

On page 1, Section 2, line 10, after the word "medical" insert the words "or dental".

Amendment adopted.

Also:

On page 1, Section 2, line 14, after the word "educators" insert a comma, and strike out the word "and" immediately following.

Amendment adopted.

Also:

On page 1, Section 2, line 14, strike out the period following the word "physicians", and insert the following: "and dentists".

Amendment adopted.

Also:

On page 2, Section 3, line 7, after the word "tonsils" insert the words "defective teeth".

Amendment adopted.

And:

On page 2, Section 3, line 17, after the word "physicians" insert the words "and dentists".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32).

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, strike out "(Statutes of 1889, p. 32)".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, after the word "train" insert the following: "drawn by a steam locomotive".

Amendment adopted.

Also:

On page 1, Section 2, line 2, after the word "train" insert the following: "drawn by a steam locomotive".

Amendment adopted.

Also:

On page 2, Section 3, line 2, after the word "trains" where it appears the second time insert the following: "drawn by a steam locomotive".

Amendment adopted.

Also:

On page 2, Section 4, line 2, after the letter "a" insert the following: "steam".

Amendment adopted.

Also:

On page 2, Section 4, line 3, after the letter "a" insert the following: "steam".

Amendment adopted.

Also:

On page 2, Section 4, line 4, after the letter "a" insert the following: "steam".

Amendment adopted.

Also:

On page 2, Section 4, line 11, after the word "of" insert the word "steam".

Amendment adopted.

Also:

On page 2, Section 4, line 12, after the word "of" insert the word "steam."

Amendment adopted.

Also:

On page 2, Section 4, line 14, after the word "on" insert the word "steam."

Amendment adopted.

And:

On page 3, add another section, to be numbered Sec. 7, and to read as follows:

"Sec. 7. Nothing in this Act contained shall apply to the operation of any train by common carriers during times of strikes or walk-outs, participated in by any of the hereinbefore mentioned employees of such common carriers."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 589—An Act authorizing the payment of pensions by the State of California to certain fathers and mothers, being citizens of the United States and residents of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 751—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in the Justices' Court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1083—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1081—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, etc.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 5, of the printed bill, strike out the words "signed by", and insert in lieu thereof the word "of".

Amendment adopted.

Also:

On page 1, line 6, of the printed bill, strike out the words "the district", and insert in lieu thereof the following: "such district, according to the number of heads of families therein shown by the last preceding school census".

Amendment adopted.

Also:

On page 1, line 7, of the printed bill, after the word "district" insert the words "the question".

Amendment adopted.

And:

On page 1, of the printed bill, strike out all of line 9 after the word "money", and all of lines 10, 11, 12, and 13 and all of line 14 down to and including the word "district", and insert in lieu thereof the following: "for purchasing school lots, for building or purchasing one or more school buildings or making alterations or additions to any school building or buildings, for repairing, restoring or rebuilding any school building damaged, injured, or destroyed by fire, or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes, or for refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the word "May", and insert in lieu thereof "September".

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "1st", and insert in lieu thereof the word "First".

Amendment adopted.

Also:

On page 1, Section 1, line 6, strike out the word "2nd", and insert in lieu thereof the word "second".

Amendment adopted.

And:

On page 1, strike out Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

During second reading of bill, the following amendments were submitted by committee:

Insert in the title of the Act between the words "Code" and "relating" the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the figures "1230", and insert in lieu thereof the following: "one thousand two hundred and thirty".

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the printed bill, between the words "Code" and "is" insert the following: "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, of the printed bill, before the letter "a", insert the following: "1230".

Amendment adopted.

Also:

On page 2, line 17, Section 1, of the printed bill, strike out the period following the word "crime", and insert in lieu thereof the following: "and has not been restored to citizenship".

Amendment adopted.

Also:

On page 2, Section 1, strike out lines 22, 23, and 34, and insert in lieu thereof the following: "that he is an idiot; that he is insane; that he is a native of China; that he can not read the Constitution in the English language and write his name. *provided* that the last named disqualification is not the result of some physical disability".

Amendment adopted.

And:

On page 2, strike out all of Section 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

During second reading of the bill, the following amendment was submitted by committee:

On page 3, Section 2, line 2a, after the word and comma "taken," insert the word "it"

Amendment adopted.

Also:

Offered by Senator Burnett:

* By inserting after the word "corporation", in line 25, page 2, of the printed bill, the following: "*provided* that the question as to the necessity for the taking of the particular property shall be submitted to the court or jury and shall not be precluded by this section".

Amendment adopted.

Also:

By inserting after the word "corporation", line 13, page 3, Section 2 of the printed bill, the following: "*provided* that the question as to the necessity for the taking of the particular property shall be submitted to the court or jury and shall not be precluded by this section".

Amendment adopted.

And:

By striking out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out all after the word "follows", and insert in lieu thereof the following:

"1251. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed. In case the plaintiff is the State of California, or is a public corporation, and it appears by affidavit that bonds of said State or public corporation must be issued and sold in order to provide the money necessary to pay the sum assessed, then such sum may be paid at any time within six months from the date of such judgment; *provided further*, that if the sale of any such bonds can not be had by reason of litigation affecting the validity thereof, then the time during which such litigation is pending shall not be considered a part of the six months' time in which such payment must be made.

"If the property condemned is for railroad purposes the plaintiff may, at the time of or before payment, elect to build the fences and cattle-guards; and if he so elect, shall execute to the defendant a bond, with sureties to be approved by the court in double the assessed cost of the same, to build such fences and cattle-guards within eighteen months from the time the railroad is built on the land taken, and if such bond be given, need not pay the cost of such fences and cattle-guards. In an action on such bond, the plaintiff may recover reasonable attorney's fees."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the incorporated limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1221—An Act to amend Sections 3493*m* and 3493*n* of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article II*a*.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the words "heretofore or hereafter".

Amendment adopted.

Also:

Amend the title, in line 3 thereof, by inserting after the word "or" "heretofore or", and in line 4 the word "hereafter".

Amendment adopted.

And:

On page 2, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of country roads and public highways within boulevard districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 604—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation.

During second reading of bill, the following amendment was submitted by committee:

Amend page 1, Section 1, line 7, by striking out the word "twenty-one", and inserting in lieu thereof the word "sixteen".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title by striking out the words "distilling company," and inserting in lieu thereof the word "distilleries."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "distilling company," and insert in lieu thereof the word "distilleries."

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the word "lot", and insert in lieu thereof the word "lands."

Amendment adopted.

Also:

On page 1, Section 1, line 11, strike out the word "to", and insert in lieu thereof the word "and".

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the letter "R" after the word "marked", and insert in lieu thereof the letter "B".

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the word "land", and insert in lieu thereof the word "lane".

Amendment adopted.

Also:

On page 2, Section 1, line 18, strike out the letter "R" after the word "marked", and insert in lieu thereof the letter "B".

Amendment adopted.

Also:

On page 2, Section 1, line 20, strike out the word "land", and insert in lieu thereof the word "lane".

Amendment adopted.

Also:

On page 2, Section 1, line 23, strike out the letter "R" after the word "marked", and insert in lieu thereof the letter "B".

Amendment adopted.

And:

On page 2, Section 1, line 28, strike out the word "to", and insert in lieu thereof the word "and".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1088—An Act to amend Section 10 of an Act entitled "To provide for the formation of protection districts in the various

counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same, approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.

During second reading of bill, the following amendments were submitted by the committee:

On page 3, Section 1, line 70, strike out the words: "the board of supervisors of the county in which the municipal corporation is located shall include within the boundaries of said protection district all of the territory within said municipal corporation which is affected or benefited by such work or improvement and all such territory, including the streets of said municipal corporation, shall be subject to the provisions of this Act", and insert in lieu thereof the following: "the territory within such municipality, including the streets thereof, affected or benefited by such work or improvement may be included in proceedings instituted for the creation of said protection district, and thereupon, all such territory including the streets of such municipality, shall be subject to the provisions of this Act."

Amendment adopted.

Also:

On page 4, Section 2, line 17, strike out the word "as", and insert in lieu thereof the word "is".

Amendment adopted.

And:

On page 4, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 17, strike out the words "in coming", and insert in lieu thereof the words "one way".

Amendment adopted.

Also:

On page 2, line 26, after the word and period "paid." strike out the quotation marks.

Amendment adopted.

And:

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 10—An Act relating to high schools, and providing for their support by the State of California.

During the reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 10.

An Act to amend Section 1760 of the Political Code of the State of California, providing for and relating to support for high schools.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1760 of the Political Code of the State of California is hereby amended to read as follows:

1760. It shall be the duty of the State Controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at thirty dollars per pupil in average daily attendance in all the duly established high schools of the State, for the last preceding school year, as certified to him by the State Superintendent of Public Instruction. This amount the State Controller, between the dates above given, must certify to the State Board of Equalization.

The State Board of Equalization, at the time when it annually determines and fixes the rate of State taxes to be collected, must declare the levy and the rate of tax for the support of state high schools in conformity with the provisions of this section.

The money collected as provided in this section after deducting the proportionate shares of expenses of collecting the same to which other taxes are subject, must be paid into the State treasury, to be by the State Treasurer converted into a separate fund, hereby created, to be called the "state high school fund."

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages or salaries by employees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 12, strike out the period, and insert in lieu thereof the following: "and provided further, that nothing in this section contained shall be deemed to apply to any winery or distillery where any such liquor is manufactured, or kept for sale, or is sold or given away in quantities of not less than five gallons at any one time, and not to be consumed upon the premises where sold or given away."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the over-

flow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1234—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the words "the State of".

Amendment adopted.

Also:

On page 1, Section 1, after the last word on line 11 strike out the period and insert a semicolon and the following: "the said person so served shall have the right to appear and plead and be heard in such action in the same manner and to the same extent as the parties to the action."

Amendment adopted.

And:

On page 1, amend the title of the bill by adding after the word "Procedure", on line 1 thereof, the following: "of California".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 929—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the words: "the State of".

Amendment adopted.

Also:

On page 2, Section 1, line 30, strike out the word "county", and insert in lieu thereof the word "court".

Amendment adopted.

Also:

On page 2, Section 2, line 2, after the word "Procedure" add the following: "of California".

Amendment adopted.

Also:

On page 2, Section 2, line 9, strike out the word "county", and insert in lieu thereof the word "court".

Amendment adopted.

And:

Amend the title of the bill by adding after the word "Procedure", on line 1 thereof, the words "of California".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 945—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 9, strike out the word "nor", and insert in lieu thereof the word "or".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 942—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto, to be numbered Sections 69a and 69b, relating to the issuance of marriage licenses.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, after the word "Code", insert the following words: "of the State of California".

Amendment adopted.

Also:

On page 3, Section 2, line 1, after the word "Code", insert the following: "of the State of California".

Amendment adopted.

Also:

On page 4, Section 3, line 1, after the word "Code", insert the following: "of the State of California".

Amendment adopted.

And:

Amend the title of the bill by adding after the word "Code", on line 1 thereof, the following: "of the State of California".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 802—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1154—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1233—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by committee:

On page 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following:

Authorizing municipal corporations, counties, and cities and counties, to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any municipal corporation, county, or city and county in this State, is hereby authorized and empowered to acquire and hold by purchase or otherwise, or by lease, lands situated within the limits thereof, for a term not exceeding fifty years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and for exhibiting the same, or for the purpose of erecting, rebuilding, or furnishing historical museums or art galleries thereon under such terms and conditions as may be approved by the city council, board of trustees, or other legislative body of such municipal corporation, or by the board of supervisors of such county or city and county.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of members of said commission, to be known as "The Commissioners for the Revision and Reform of Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, lines 2 and 3, by striking out the words "two thousand four hundred", and inserting in lieu thereof the words "eighteen hundred".

Amendment adopted.

And:

Amend Section 1, line 4, by striking out the words "two thousand", and inserting in lieu thereof the words "sixteen hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of said Act by striking out all of said title, and inserting in lieu thereof the following words: "An Act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto."

Amendment adopted.

Also:

Amend Section 1 by striking from lines 1 and 2 the words "the boards of supervisors of each county of this State", and inserting in lieu thereof "a board of parole commissioners, consisting of the sheriff and district attorney, is hereby created for each county in this State, who".

Amendment adopted.

Also:

After the word "county", in line 4, where it appears the second time, add the words "after judgment of conviction for the commission of a misdemeanor", and strike out all of line 4 commencing with the word "and".

Amendment adopted.

Also:

Strike out all of lines 5, 6, and 7, ending with the word "municipality".

Amendment adopted.

Also:

In lines 14 and 15 strike out the words "respective boards and governing bodies", and insert in lieu thereof "said board".

Amendment adopted.

And:

In line 16, strike out the words "certified by the presiding officer of said board".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1181—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 325—An Act to amend Section 41 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the words: "as adopted March 11, 1872, and as amended in 1873 and 1874."

Amendment adopted.

Also:

Strike out the enacting clause, and insert the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1. Section 411 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:"

Amendment adopted.

Also:

On line 1, strike out the word "Section" and the words in italics.

Amendment adopted.

Also:

After subdivision 1 insert the following: "2. If the suit is against a foreign corporation or a non-resident joint stock company or association, doing business and

having a managing or business agent, cashier, or secretary, within this State: to such agent, cashier, or secretary".

Amendment adopted.

And:

Renumber all the rest of the subdivision in numerical order.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eight o'clock and twenty-five minutes p. m., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Kennedy, Lewis, McCartney, Miller, Roscherry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Curtin, Senator Stetson moved that the vote whereby Senate Constitutional Amendment No. 14—Relative to the formation of new counties and cities and counties—was refused adoption, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Stetson moved that the further consideration of Senate Constitutional Amendment No. 14 be made a special order for Tuesday, March 9, 1909, immediately after the consideration of the file of Assembly bills.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Caminetti moved that the vote whereby Senate Bill No. 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses

upon the business of raising, grazing, herding, and pasturing sheep—was refused passage, be now reconsidered.

Motion was duly seconded.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Bill No. 1100 be made a special order for Friday, March 5, 1909, immediately after the consideration of the file of Assembly bills.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature, March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903," approved March 6, 1905, and all Acts amendatory thereof.

Also: Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Also: Senate Bill No. 1167—An Act appropriating money to pay the claim of S. B. Sumner against the State of California.

Also: Senate Bill No. 923—An Act entitled "An Act to amend section seventeen hundred and thirty-seven of the Code of Civil Procedure, relating to public administrators."

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Also: Senate Bill No. 961—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Also: Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Also: Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274b, relating to phonographic reporter his competency and compensation.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioners of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Also: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Also Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 803, 960, 1167, 923, 538, 961, 659, 657, 658, 763, 775, 689, and 797 ordered on file for third reading.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1167—An Act appropriating money to pay the claim of S. B. Summer against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1167 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Estudillo, Finn, Hartman, Holohan, Leavitt, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 923—An Act entitled an Act to amend Section 1737 of the Code of Civil Procedure, relating to public administration.

On motion of Senator Wolfe, Senate Bill No. 923 was temporarily passed on file, to retain its place.

Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Finn, Hare, and Hartman—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1133 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Estudillo, Finn, Hare, Holohan, Kennedy, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 797—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 797 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wolfe moved that after this day each Senator give the number of the bill he desires placed on the Members' Special Urgency File to the Secretary, not later than twelve o'clock M. each day, and no bill be considered unless its title appears on the file.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 837 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 763—An Act to amend Sections 628, 628*a*, 632½, 634 and 636 of the Penal Code of the State of California, all relating to the, protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 763 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Senate Bill No. 249 temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court.

The Legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the Constitution of this State be amended to read as follows:

Section 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 36 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Leavitt, Lewis, Martinelli, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Senate Constitutional Amendment No. 36 ordered transmitted to the Assembly.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

On motion of Senator Caminetti, Senate Bill No. 58 was temporarily passed on file, to retain its place.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Bill No. 58 be made a special order for Friday, March 5, 1909, at eleven o'clock and thirty minutes A. M.

Motion carried.

MEMBERS SPECIAL URGENCY FILE—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 40.

A resolution to propose to the people of the State of California an amendment to the constitution of the State, amending section two of article IV thereof, relating to sessions of the Legislature.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section two of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding forty days thereafter; whereupon a recess of both houses must be taken for not less than ninety days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 40 refused adoption by the following vote:

AYES—Senators Bell, Black, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Rush, Sanford, Strobbridge, Thompson, Weed, Willis, and Wright—15.

NOES—Senators Anthony, Bills, Birdsall, Burnett, Caminetti, Curtin, Hartman, Lewis, Martinelli, Price, Walker, Welch, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 40 was this day refused adoption.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Holohan, Kennedy, Leavitt, McCartney, Price, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, and Welch—25.

NOES—Senators Savage and Wright—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 833 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cullen, Estudillo, Finn, Hare, Holohan, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Lester Jacobs of San Francisco.

Also:

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. E. J. Jackman of Orange.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 657—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Burnett, Caminetti, Cullen, Estudillo, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, 1177, and 1241 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Senators Anthony, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536*a*, relating to the duties of commission merchants, brokers, factors, and consignees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 979 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 finally passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—Senators Finn, Hare, and Savage—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force relating to estrays," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1059 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Kennedy, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Cutten—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 904—An Act to amend Sections 626, 626*c*, 626*d*, 626*m*, and 627*b* of the Penal Code of the State of California, and add to such

Penal Code two new sections to be numbered Section 626*n* and Section 626*n*, relating to the protection and preservation of game and fish.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 904 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Cartwright, Estudillo, Hare, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 229—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the protection and preservation of birds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 229 refused final passage by the following vote:

AYES—Senators Burnett, Cartwright, Hare, Hurd, Leavitt, Lewis, Miller, Price, Sanford, Savage, Weed, and Welch—12.

NOES—Senators Anthony, Bell, Birdsall, Black, Curtin, Cullen, Estudillo, Holohan, Kennedy, Martinelli, McCartney, Stetson, Strobbridge, Thompson, Walker, Willis, and Wright—17.

Assembly Bill No. 229 ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bill No. 245—An Act to provide for the consolidation of municipal corporations.

Senate Bill No. 245 withdrawn, and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cullen, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1211—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

During second reading of bill, the following amendments were offered by Senator Stetson:

Amend by striking out all of Section 1.

Amendment adopted.

Also:

In line 1, Section 2, page 1, strike out the figure "2", and insert in lieu thereof the figure "1".

Amendment adopted.

Also:

In line 1, Section 3, page 1, strike out the figure "3", and insert in lieu thereof the figure "2".

Amendment adopted.

Also:

In line 1, Section 4, page 1, strike out the figure "4", and insert in lieu thereof the figure "3".

Amendment adopted.

And:

In line 1, Section 5, page 2, strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution,'" approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 803 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsell, Black, Burnett, Caminetti, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Senate Bill No. 651 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 20, of the printed bill, after the words "apply to" insert the following: "the granting of all street railway franchises in".

Amendment adopted.

And:

On page 2, Section 1, line 22, of the printed bill, after the word "all" insert the following: "street railway".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 973 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Welch, and Wright—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1143—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1143 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Burnett, Curtin, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Burnett, Caminetti, Curtin, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Welch, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and forty-five minutes p. m., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, March 5, 1909.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hartman, Holoban, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Rt. Rev. H. J. R. Da Silva, Bishop of Trajanopolis.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 4, 1909, the further reading was dispensed with, on motion of Senator Black.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Sanford:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

H. F. Osgood, Everett Bowes, Robt. A. Pryor, J. S. Malsbary, E. S. Holloway, and others.

Also:

By Senator Caminetti:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

Morgan Owens, A. E. Owens, John O. Owens, W. A. Argall, William F. Payne, and others.

Also:

By Senator Martinelli:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

W. M. Pickard, John Provis, Daniel Odgers, Sr., J. A. Delurety, D. V. Ramazzett, and others.

Also:

By Senator Black:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

F. C. Barr, F. Marsh, H. J. Smith, G. R. Burt, E. H. Hernsey, and others.

Also:

By Senator Lewis:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

William Charles Mayne, H. Seeds, F. B. McElwee, H. E. Wolfe, Jas. A. Pinkerton, and others.

Also:

By Senator Holohan:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men and laborers, hereby

earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

F. T. Packard, J. M. Luark, Fred M. Durst, Matt. McGowan, G. W. Simons, and others.

And:

By Senator Strobbridge:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law, and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, the undersigned, business and professional men, and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

H. L. Ellis, C. B. Rogers, John Irwin, E. Tarneliet, F. R. Craig, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Assembly Committee on Conference on Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission—which report is as follows:

We recommend that a Committee on Free Conference be appointed by the Assembly to meet with a like committee from the Senate.

Dated, Sacramento, March 3, 1909.

JOHNSON of Sacramento.

DREW.

TRANSUE.

Committee.

And has appointed as a Committee on Free Conference Assemblymen Johnson of Sacramento, Drew, and Transue.

CLIO LLOYD, Chief Clerk of the Assembly.

By LEO PREISKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to respectfully request your honorable body to return to the Assembly, Assembly Bill No. 1066.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

On motion of Senator Leavitt, Assembly Bill No. 1066 was ordered transmitted to the Assembly.

PRIVILEGE OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. S. D. Woods, of San Joaquin.

Also:

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge Geo. B. Graham, of Fresno.

RESOLUTION.

The following resolution was offered:

By Senator Estudillo:

WHEREAS, Senate Bill No. 508 was referred to the Committee on Finance on the 28th day of January; and

WHEREAS, The said bill has been quietly slumbering in the said committee, due to an anæsthetic undoubtedly administered by the chairman of said committee; and

WHEREAS, The chairman of said committee has been repeatedly appealed to, but turned a deaf ear to all appeals for fair play; and

WHEREAS. The people of Riverside County are greatly interested in the passage of said bill; and

WHEREAS. The chloroform method of disposing of bills is not the most agreeable one in the world; and

WHEREAS. All men, with but few exceptions, believe in fair play; therefore, be it *Resolved*. That Senate Bill No. 508 be recalled from the Committee on Finance and placed upon the second-reading file of the Senate.

Resolution read.

Senator Estudillo moved that the resolution be adopted.

The motion was seconded by Senator Wright.

The question being upon the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bell, Caminetti, Estudillo, and Wright—4.

NOES—Senators Anthony, Bates, Bills, Birdsall, Campbell, Cartwright, Cutten, Finn, Kennedy, Leavitt, Lewis, Martinelli, Roseberry, Sanford, Savage, Strobridge, Thompson, Weed, Welch, Willis, and Wolfe—21.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Also: Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Also: Senate Bill No. 1080—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Also: Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 714—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 716—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 123—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital and making an appropriation therefor.

Also: Senate Bill No. 84—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 125—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital now in process of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also: Senate Bill No. 200—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital: to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold storage rooms at said hospital, and making an appropriation therefor.

Also: Senate Bill No. 19—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Also: Senate Bill No. 639—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Also: Senate Bill No. 972—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Also: Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Aetna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 1018—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No. 1019—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1024—An Act to appropriate the sum of nine hundred and three and seventy-two one-hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also: Senate Bill No. 1025—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 1026—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guarantee Company against the State of California.

Also: Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Senate Bill No. 792—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Also: Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State Prison at Folsom, and making an appropriation therefor.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 465, 1055, 177, 176, 925, 1003, 1080, 283, 284, 539, 101, 714, 716, 48, 123, 84, 125, 896, 102, 446, 910, 200, 19, 639, 972, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1130, 784, 791, 792, 793, 794, and 888 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 264 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts,

Also: Senate Bill No. 406—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.

Also: Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 406 and 1177 ordered on file for second reading.

Assembly Bill No. 651 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred reengrossed Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WILLIS, Chairman.

Senate Bill No. 55 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1241—An Act amending the Political Code of the State of California by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Senate Bill No. 1241 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 385—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Also: Senate Bill No. 401—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WILLIS, Chairman.

Senate Bills Nos. 385 and 401 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

By Senator Martinelli:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$313.26 in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

H. S. Crocker Company.....	\$31 00
John Breuner Company.....	48 58
Scott, Lyman & Stack.....	47 10
Whiskey Hill Water Company.....	84 00
Kane & Trainor Ice Company.....	56 00
Wells, Fargo & Company.....	14 63
F. R. Pulford.....	19 95
M. Fraler	12 00

Total\$313 26

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six

of an Act entitled "An Act concerning the water front of the city and county of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901," approved March 18, 1905.

Also: Assembly Bill No. 784—An Act amending section two thousand three hundred forty-nine of the Political Code, relating to certain streams and waters declared public ways.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WRIGHT, Chairman.

Assembly Bills Nos. 656 and 784 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 428—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro, approved March 19, 1889—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WRIGHT, Chairman.

Assembly Bill No. 428 ordered on file for second reading.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the Governor's message of February 12, 1909:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that, since my message of January 12, 1909, I have made the following appointments, and request your concurrence therein and consent thereto:

January 14, 1909, Mayo Newhall, of San Francisco, a trustee of the State Normal School of San Francisco, vice S. C. Denson, term expired.

January 14, 1909, Henry G. W. Dinkelspiel, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, term expired.

January 18, 1909, J. M. Allen, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, failed to qualify.

January 15, 1909, Thomas Wallace, of San Francisco, Port Warden for San Francisco, vice H. A. Thompson, term expired.

Respectfully,

J. N. GILLET,.

Governor of the State of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the Senate advise and consent to the same.

HURD, Chairman.

The President put the question, "Will the Senate advise and consent to the appointment of Mayo Newhall, of San Francisco, vice S. C. Denson, term expired?" a trustee of the State Normal School of San Francisco.

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Cutton, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Whereupon the President announced that the appointment of Mayo Newhall of San Francisco, a trustee of the State Normal School of San Francisco, vice S. C. Denson, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Henry G. W. Dinkelspiel of San Francisco, a

trustee of the State Normal School of San Francisco, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of Henry G. W. Dinkelspiel, of San Francisco, a trustee of the State Normal School of San Francisco, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of J. M. Allen, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, failed to qualify?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Kennedy, Lewis, Martinelli, Roseberry, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Whereupon the President announced that the appointment of J. M. Allen, of San Francisco, a trustee of the State Normal School at San Francisco, vice self, failed to qualify, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Thomas Wallace, of San Francisco, Port Warden for San Francisco, vice H. A. Thompson, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Curtin, Cutten, Finn, Hartman, Hurd, Kennedy, Leavitt, Martinelli, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Whereupon the President announced that the appointment of Thomas Wallace, of San Francisco, Port Warden for San Francisco, vice H. A. Thompson, term expired, had been duly confirmed.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BIRDSALL, Chairman.

Assembly Bill No. 990 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 773—An Act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Assembly Bill No. 773 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Also: Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Also: Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code. Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Senate Bill No. 1212 ordered on file for second reading.

Assembly Bills Nos. 983 and 1281 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 25—An Act to amend section one of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903.

Also: Assembly Bill No. 28—An Act to amend the title of and Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Also: Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

ROSEBERRY, Chairman.

Assembly Bills Nos. 25, 28, and 29 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 889—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis: to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and the recommendation that it be re-referred to the Committee on Finance, and that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 889 ordered referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Court of Appeal—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Assembly Bill No. 42 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Senate Bill No. 1068 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 95—An Act authorizing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Also: Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also: Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Also: Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Also: Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor.

Also: Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Assembly Bill No. 279—An Act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital Farm, and to make an appropriation therefor.

Also: Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Also: Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Also: Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 94, 95, 96, 97, 114, 116, 118, 120, 164, 256, 242, 276, 278, 279, 810, 986, and 1135 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 7—Relative to defense of the Pacific seaboard—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

BURNETT, Chairman.

Assembly Joint Resolution No. 7 ordered on file.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Bills, Senate Bill No. 1203 was ordered referred to Committee on Finance, to retain its place on file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Concurrent Resolution No. 15—Relative to an appropriation for the fortification of San Pedro harbor, at San Pedro, California—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the committee substitute do pass.

LEAVITT, Chairman.

Assembly Concurrent Resolution No. 15 ordered on file.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Black—To amend Section 280*b* of the Code of Civil Procedure of the State of California—have had the same under consideration, and report the same back, with the recommendation that the provisions of the Constitution be complied with, and Senator Black be permitted to introduce the same.

LEAVITT,
WILLIS,
MILLER,
Committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Black be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Black: Senate Bill No. 1243—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Education.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 587?"

On page 2, Section 1, lines 10 and 11, of the printed bill, strike out the words "on or before noon on November 30, 1909."

Also:

On page 2, Section 1, line 13, of printed bill, after the word "thereto" insert the following: "and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 587 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Campbell, Curtin, Cutton, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roscherry, Rush, Sanford, Savage, Strobridge, Thompson, Weed, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 587 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 771?"

On page 1, line 3, of the title of the printed bill, after the word "Glenn" strike out the comma, and insert in lieu thereof the following: "and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa."

Also:

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following:

SECTION 1. The northerly and easterly boundary of Lake County, between Mount Hull and the common section corner of Sections 16, 17, 20, and 21, in township twenty (20) north, range nine (9) west, M. D. B. and M., is hereby established and permanently located as follows: Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885; and approved by H. J. Willey, Surveyor General of the State of California, on December 23, 1885; thence due north to the half section line running east and west through section two (2), township nineteen (19) north, range ten (10) west, M. D. B. and M.; thence east along said half section line through sections two (2) and one (1) of said township, range, base and meridian, and then through section five (5) to the southeast corner of the northeast quarter of said section five (5), township nineteen (19) north, range nine (9) west, M. D. B. and M.; thence north along the line between and dividing sections four (4) and five (5) of said township, range, base, and meridian, and continuing north along the line between and dividing sections thirty-two (32) and thirty-three (33), and twenty-eight (28), to the common section corner of sections sixteen (16), seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west.

SEC. 2. The boundary line between the county of Lake and the county of Glenn is hereby established and permanently located as follows: Beginning at a point established by section two of "An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the county of Glenn, between Mendocino and Glenn counties," approved March 8, 1907. Said point being the corner of sections sixteen (16), and seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west, M. D. M., according to the United States survey, thence east between sections sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), fourteen (14), twenty-three (23), thirteen (13), twenty-four (24), of township (20) north, range nine (9) west, M. D. M., and sections eighteen (18), nineteen (19), seventeen (17), twenty (20), sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), township twenty (20) north, range eight (8) west, M. D. M., to corner of sections fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), township twenty (20) north, range eight (8) west, M. D. M.; thence south between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township twenty (20) north, range eight (8) west, M. D. M., and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township nineteen (19) north, range eight (8) west, M. D. M., and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), to one-quarter (1/4), section corner on section line dividing sections twenty-six (26), and twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. M.; said point being on boundary line between the county of Glenn and the county of Colusa as established by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa," approved March 11, 1893.

SEC. 3. The boundary line between Lake County and Colusa County between the northwest corner of Colusa County and the southeast corner of the northeast one quarter (1/4) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. and M., is hereby established and permanently located as

follows. Beginning at the southeast corner of the northeast one quarter ($\frac{1}{4}$) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. and M.; running thence westerly along the half section line and one and one-half ($1\frac{1}{2}$) miles north of the line dividing townships seventeen (17), and eighteen (18), of Mount Diablo base and meridian, said one half ($\frac{1}{2}$) section line being the northern boundary of Colusa County as fixed by "An Act to change and permanently locate the boundary line between the counties of Glenn and Colusa, approved March 11, 1893," to the northwest corner of the southwest one quarter ($\frac{1}{4}$) of section thirty (30), township eighteen (18) north, range eight (8) west, M. D. B. and M.

SEC. 4. This Act shall take effect immediately upon its passage.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 771 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 771 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 512?"

Amend by striking out from lines 8 and 9, of Section 1, of the printed bill, the following: "Section 7 and,"

And:

Amend by striking out the word "are" in Section 3, page 3, of the printed bill, and inserting in lieu thereof the word "is".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 512 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 512 ordered to enrollment.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 1220—An Act relating to prosecutions under Sections 628b, 632, and 632 $\frac{1}{2}$ of the Penal Code, and to define prima facie evidence thereunder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1220 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways.

On motion of Senator Anthony, Senate Bill No. 341 was temporarily passed on file, to retain its place.

Senate Bill No. 825—An Act to amend section ninety-seven of the

Code of Civil Procedure, relating to salaries of the justices of peace in cities and counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 825 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Hartman, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 943—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Read third time.

On motion of Senator Leavitt, Senate Bill No. 943 was temporarily passed on file, to retain its place.

Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

On motion of Senator Stetson, Senate Bill No. 1082 was temporarily passed on file, to retain its place.

Senate Bill No. 1106—An Act to add a new section to the Political Code, to be numbered 4284a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1106 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered 4281a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1107 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Hurd, Kennedy, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.
Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1078 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Kennedy, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1079 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1194—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

On motion of Senator Curtin, Senate Bill No. 1194 was ordered on file as unfinished business.

Committee Substitute for Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Leavitt as a special committee of one to amend, as follows:

By striking out of Section 5, line 14, the word "twenty-one", and insert the word "eighteen".

And:

Strike out in subdivision 3, of Section 5, the word "twenty-one", and insert the word "eighteen".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 813, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

The vote whereby Senate Bill No. 58 was passed having been reconsidered.

The question being on the pasage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and thirty-seven minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Caminetti.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 58 was passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, McCartney, Miller, Roseberry, Rush, Thompson, Walker, Welch, and Wolfe—22.

NOES—Senators Bills, Boynton, Cutten, Lewis, Price, Savage, Weed, and Wright—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, with amendments, and the recommendation that it do pass as amended.

ROSEBERRY, Chairman.

Assembly Bill No. 254 ordered on file for second reading.

SPECIAL ORDER SET.

Senator Roseberry moved that the further consideration of Assembly Bill No. 254 be made a special order for Monday, March 8, 1909, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 1238 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 135—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also: Senate Bill No. 497—An Act relating to city justices' courts in cities organized under a freeholders' charter, wherein a police court is created having exclusive jurisdiction in all prosecutions for violations of the ordinances of such city and the enforcement of any obligation or liability prescribed or created by the ordinances of such city, and providing for the appointment of a clerk of such court, prescribing the powers and duties, and fixing the compensation of such clerk.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 135 and 497 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a.

Also: Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 259 and 1210 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 1211 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 236—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 236 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 236—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a.

Senate Bill No. 236 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE OUT OF ORDER—(RESUMED).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1153—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

SAVAGE, Chairman.

Senate Bill No. 1153 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1153—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities.

Senate Bill No. 1153 withdrawn, and ordered stricken from the file.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlements of accounts of trustees after distribution of estates and compensation of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1141 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Finn, Hurd, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Thompson, Walker, Weed, and Willis—21.

NOES—Senators Leavitt, Stetson, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1140 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Campbell, Cutten, Hurd, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509—An Act to provide for the use of the credit of the State of California for the establishment of a currency or an exchange medium.

On motion of Senator Stetson, Senate Bill No. 509 was temporarily passed on file, to retain its place.

Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application and providing for the filing of additional applications.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 999 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1000—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1000 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curbin, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1001—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1001 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 14651₂, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1142 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1105—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1105 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 977 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner, and the salaries, duties, and qualifications of his appointees.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 775 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office, and fixing their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 593 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Price asked for, and was granted, unanimous consent to withdraw Senate Bill No. 582, and substitute therefor on file Assembly Bill No. 830.

Senate Bill No. 582 withdrawn, and ordered stricken from the file, and Assembly Bill No. 830 substituted therefor on file.

Assembly Bill No. 830—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 830 finally passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 689—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 689 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Curtin, Cutten,

Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 808 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1217 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—28.
NOES—Senator Walker—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 584—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six, and five hundred of the Political Code, relating to the salary of the Surveyor General, and the salaries of appointees in the office of the Surveyor General and Registrar of the State Land Office, and to repeal all laws in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 584 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Price asked for, and was granted, unanimous consent to withdraw Senate Bill No. 673, and substitute therefor on file Assembly Bill No. 756.

Senate Bill No. 673 withdrawn, and ordered stricken from the file, and Assembly Bill No. 756 substituted therefor on file.

Assembly Bill No. 756—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cotten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Curtin, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. and Mrs. W. D. Cowden, of Walnut Grove, Sacramento County.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Wright, the second-reading file of Senate bills was taken up.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

During second reading of bill, the following amendments were submitted by minority of committee:

On page 1, Section 2, line 1, of the printed bill, strike out the word "four", and insert in lieu thereof the word "six".

Amendment adopted.

Also:

On page 4, Section 11, line 2, of the printed bill, insert after the word "include" the following: "railroads operated for commercial purposes".

Amendment adopted.

Also:

On page 5, Section 13, line 9, of the printed bill, strike out the dollar mark and figures "100", and insert in lieu thereof the following: "five hundred dollars".

Amendment adopted.

Also:

On page 5, Section 4, line 9, of the printed bill, strike out the dollar mark and figures "100", and insert in lieu thereof the following: "five hundred dollars".

Amendment adopted.

Also:

On page 16, Section 32, line 10, of the printed bill, strike out after the words "less than" all the remainder of the paragraph, and insert in lieu thereof the following: "five hundred dollars and not more than five thousand dollars".

Amendment adopted.

Also:

On page 18, Section 36, line 11, of the printed bill, after the words "less than" strike out all the remainder of the paragraph, and insert in lieu thereof the following: "five hundred dollars and not more than five thousand dollars".

Amendment adopted.

Also:

On page 18, Section 37, line 12, of the printed bill, after the words "less than" strike out all the remainder of the paragraph, and insert in lieu thereof the following: "five hundred dollars and not more than five thousand dollars."

Amendment adopted.

Also:

On page 18, Section 37, lines 26 and 27, of the printed bill, after the words "less than", on line 26, strike out all the remainder of line 26 and line 27 to and including the dollar mark and the figures "1,000", and insert in lieu thereof the following: "five hundred dollars and not more than five thousand dollars".

Amendment adopted.

Also:

On page 19, Section 37, line 31, of the printed bill, after the words "less than" strike out all the remainder of the paragraph, and insert in lieu thereof the following: "one thousand dollars and not more than five thousand dollars".

Amendment adopted.

And:

On page 19, Section 38, line 15, of the printed bill, after the words "less than" strike out all the remainder of the paragraph, and insert in lieu thereof the following: "five hundred dollars and not more than five thousand dollars".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

During second reading of bill, the following amendments were submitted by committee:

On page 1, of the printed bill, strike out all after the words "An Act", and insert in lieu thereof the following:

Authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations, counties, or cities and counties, in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any district agricultural association organized, or hereafter organized under the laws of the State of California, is hereby authorized and empowered to lease lands owned, managed or controlled by said association, whether in trust or

otherwise, not needed for the permanent use of said association, to any municipal corporation, county, or city and county, in which said lands are located, for a period not to exceed fifty years; for purposes not inconsistent with the objects and purposes for which said association is formed and for which said lands are held, owned, or controlled by it.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1004—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and power—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 754 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Welch asked for, and was granted, unanimous consent to withdraw Senate Bill No. 701—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Senate Bill No. 701 withdrawn, and ordered stricken from the file.

Also:

Senator Stetson asked for, and was granted, unanimous consent to withdraw Senate Concurrent Resolution No. 10—Relative to approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

Senate Concurrent Resolution No. 10 withdrawn, and ordered stricken from the file.

Also:

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Senate Concurrent Resolution No. 8—Relative to approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

Senate Concurrent Resolution No. 8 withdrawn, and ordered stricken from the file.

Also:

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Senate Bill No. 934—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against

either fire or marine loss, and to pay the costs for such insurance from the revolving fund for the purchase of jute.

Senate Bill No. 934 withdrawn, and ordered stricken from the file.

Also:

Senator Thompson asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1080—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Senate Bill No. 1080 withdrawn, and ordered stricken from the file.

Also:

Senator Savage asked for, and was granted, unanimous consent to withdraw Senate Bill No. 444—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

Senate Bill No. 444 withdrawn, and ordered stricken from the file.

Also:

Senator Willis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1056—An Act to amend Section 4339 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Senate Bill No. 1056 withdrawn, and ordered stricken from the file.

Also:

Senator Birdsall asked for, and was granted, unanimous consent to withdraw Senate Bill No. 728—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.

Senate Bill No. 728 withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Martinelli, Assembly Bill No. 1071 was ordered re-referred to Committee on County Government.

Also:

On motion of Senator Campbell, Assembly Bill No. 594 was ordered re-referred to Committee on Municipal Corporations.

Also:

On motion of Senator Bell, Assembly Concurrent Resolution No. 16 was ordered re-referred to Committee on Municipal Corporations.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 667?"

On page 1, Section 1, line 11, strike out the word "for", and insert in lieu thereof the following: "upon."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 667 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Stetson, Thompson, Weed, Welch, Willis, and Wolfe—29.

NOES—None.

Senate Bill No. 667 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 366?"

Strike out the words "shoddy bill" where they appear on page 1 of the printed bill.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 366 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—31.

NOES—None.

Senate Bill No. 366 ordered to enrollment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 586 taken up out of order.

Senate Bill No. 586—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 586 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Savage, Stetson, Strobridge, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Savage asked for, and was granted, unanimous consent to have Committee Substitute for Senate Bill No. 26 taken up for consideration.

Committee Substitute for Senate Bill No. 26—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 26 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Esudillo, Hare, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Willis, Assembly Bill No. 1120 was ordered withdrawn from Committee on Judiciary, and ordered on file for second reading.

UNFINISHED BUSINESS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

On motion of Senator Curtin, Assembly Bill No. 422 was temporarily passed on file, to retain its place.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California, to be numbered Section 25 of article one thereof to read as follows:

Section 25. The people shall have the right to fish along the shores of the ocean, bays, lakes, lagoons, estuaries and from the banks of all rivers, creeks, streams and other waters, stocked with fish by the State, or which contain fish that are indigenous to such waters, and no law restricting such right shall ever be passed; *provided* that the Legislature may by statute provide for the season when the different species of fish may be taken.

Assembly constitutional amendment read.

During the reading of the Assembly constitutional amendment the following amendment was submitted by committee:

On page 1, line 8, strike out everything after the figures "25", and insert in lieu thereof the following: "The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, prisons, asylums or other public institutions; and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the private or public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken; *and provided further*, that the Legislature shall provide by law for the purchase or condemnation of an easement on the shores of the ocean, bays, lakes, lagoons and estuaries, and the banks of rivers, creeks, streams, sloughs or other waters, for the right of fishery thereon and therein, the title to which is now in individuals. Such right of fishery is hereby declared a public use, and shall, after purchase or condemnation thereof, be for the use of the people forever, subject to restrictions that may be imposed by general law."

Amendment read.

SPECIAL ORDER SET.

Senator Curtin moved that the further consideration of the above amendment be made a special order for Tuesday, March 9, 1909, immediately after the consideration of the special order heretofore set following the consideration of the third-reading file of Assembly bills.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

On motion of Senator Thompson, Assembly Bill No. 992 was temporarily passed on file, to retain its place.

Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State."

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 171 finally refused passage by the following vote:

AYES—Senators Hurd, Reilly, Roseberry, Weed, and Welch—5.

NOES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Kennedy, Martinelli, McCartney, Miller, Rush, Savage, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOTICE OF MOTION TO RECONSIDER.

Senator Anthony gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 171 was this day refused final passage.

Assembly Bill No. 650—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds, and their nests and eggs

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Burnett as a special committee of one to amend, as follows:

On line 2, of title, strike out the figures "637*c*", and insert in lieu thereof "637*f*".

Also:

On page 2, Section 2, line 2, strike out the figures "637*c*", and insert in lieu thereof "637*f*".

Also:

On page 2, Section 2, line 3, strike out the figures "637*c*", and insert in lieu thereof "637*f*".

And:

On page 2, Section 1, line 26, insert after the word "Act" a semicolon and the following words: "provided further, that nothing in this section shall prohibit the killing of meadow lark, robin, or other wild bird by the owner or tenant of any premises where such bird is found destroying berries, fruit, or crops growing on such premises, but the birds so killed shall not be shipped or sold;"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 650, with instructions to amend, respectfully reports the same back, amended as per instructions.

BURNETT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and on file.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities, and counties, cities and towns of the State," approved March 20, 1905.

On motion of Senator Lewis, Assembly Bill No. 44 was temporarily passed on file, to retain its place.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any State or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

On motion of Senator Wright, Assembly Bill No. 827 was temporarily passed on file, to retain its place.

Assembly Bill No. 1103—An Act to amend Section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1103 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Rush, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 794—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1123—An Act to amend Section 417 of the Political Code of the State of California, relating to the salary of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1123 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1084—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1084 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Finn, Hare, Hartman, Lewis, Martinelli, Miller, Rush, Savage, Thompson, Walker, Weed, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 1119 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Resolved by the Assembly, the Senate concurring. That immediately after the adjournment of the present session of the Legislature, the Capitol Commissioners be, and they are hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

Assembly concurrent resolution read.

During the reading of the Assembly concurrent resolution the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the words "Capitol Commissioners be, and they are", and insert in lieu thereof the following: "Superintendent of the State Capitol be and he is".

Amendment adopted.

Assembly Concurrent Resolution No. 6 ordered to print and on file.

Assembly Bill No. 977—An Act to add a new section to title sixteen of part four of division first of the Civil Code, to be numbered six hundred and forty-eight *a*, relating to the formation of building and loan associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 977 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Finn, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Thompson, Walker, Weed, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 978—An Act to amend section six hundred and forty-eight of the Civil Code, relating to building and loan associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reilly, Roseberry, Rush, Savage, Thompson, Walker, Weed, Welch, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors—have had the same under consideration, and respectfully report the same back, per instructions.

WILLIS, Chairman.

Assembly Bill No. 1120 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect.

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of this Act.

Also: Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 1216, 1067, and 1204 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Also: Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Also: Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REILY, Chairman.

Assembly Bills Nos. 134, 136, and 138 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered section 15a, section 15b, and section 15c, respectively; all relating to commitments to, or paroles and discharges from said school—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the committee substitute do pass.

MARTINELLI, Chairman.

Senate Bill No. 566 ordered on file for second reading.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 1100—An Act restricting the powers of board of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Birdsall, Boynton, Caminetti, Campbell, Curtin, Holohan, Leavitt, Miller, Roseberry, Rush, Savage, and Weed—12.

NOES—Senators Anthony, Bates, Bell, Bills, Burnett, Cullen, Estudillo, Finn, Hartman, Kennedy, Lewis, Reily, Thompson, Walker, and Wright—15.

Senate Bill No. 1100 ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Curtin, granted leave of absence for this day.

SPECIAL FILE OF APPROPRIATION BILLS.

Assembly Bill No. 924—An Act making an appropriation to pay the claim of August Vollmer against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cullen, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Rush, Savage, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 776—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 776 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Campbell, Cullen, Estudillo, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Savage, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 974—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Campbell, Curtin, Cutten, Estudillo, Holohan, Hurd, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 1, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the further consideration of Senate Constitutional Amendment No. 1 be made a special order for Monday, March 8, 1909, at twelve o'clock M.

Motion carried.

Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 714, and substitute therefor on file Assembly Bill No. 958.

Senate Bill No. 714 withdrawn, and ordered stricken from the file, and Assembly Bill No. 958 substituted therefor on file.

Assembly Bill No. 958—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water, in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 958 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Campbell, Curtin, Cutten, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, CAL., March 5, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills beg leave to report that they have had under consideration a bill by Senator Caminetti, to wit: "An Act to amend the Political Code of the State of California, by adding thereto a new article, to be designated and numbered Article 9a of Chapter III of Article III of Part III of said Code, relative to elementary and secondary schools", and report the same back, with the recommendation that the provisions of the Constitution be complied with, and the Senator be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Caminetti be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Cutten, Finn, Hart, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Caminetti: Senate Bill No. 1244—An Act to amend the Political Code of the State of California, by adding thereto a new

article, to be designated and numbered Article IX^a of Chapter III of said Code, relating to elementary and secondary schools.

Bill read first time, and referred to Committee on Education.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notices of location of mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

BOYNTON, Chairman.

Assembly Bill No. 1036 ordered referred to Committee on Judiciary.

RECESS.

At four o'clock P. M., on motion of Senator Hartman, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator McCartney—An Act to amend Sections 409 and 410 of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers, etc.—have had the same under consideration, and respectfully report the same back, with the recommendation that the Constitution be complied with and Senator McCartney be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator McCartney be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Marinelli, McCartney, Miller, Rush, Sanford, Savage, Strobridge, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator McCartney: Senate Bill No. 1245—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 458—An Act to provide for the levy and collection of a tax on incomes.

Also: Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch and Stockton Creek, to the Yosemite Valley railroad at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 589—An Act authorizing the payment of pensions by the State of California to certain fathers and mothers being citizens of the United States and residents of the State of California.

Also: Senate Bill No. 751—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in Justices' Courts.

Also: Senate Bill No. 1083—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Also: Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Also: Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Also: Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to the person or persons to whom letters testamentary on proved will may be issued.

Also: Senate Bill No. 1081—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Also: Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Also: Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the board of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Also: Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Also: Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as Section No. 69a, relating to the certificate of registry of marriage.

Also: Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Also: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Also: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards; and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9 in relation to the issuing of bonds, and by amending Section 11 thereof in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Also: Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations, created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Also: Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Also: Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages or salaries by employees.

Also: Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 283½, relating to maintenance of protection districts.

Also: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensations of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Also: Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles owned by the State of California.

Also: Senate Bill No. 1234—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Also: Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.

Also: Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Also: Senate Bill No. 802—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Also: Senate Bill No. 1154—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Also: Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Also: Senate Bill No. 1233—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 458, 242, 464, 589, 751, 1083, 1195, 1196, 1197, 1081, 844, 978, 996, 997, 1060, 1228, 1207, 884, 994, 1134, 1232, 1043, 1131, 1091, 1152, 1234, 1139, 672, 802, 1154, 1156, and 1233 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 4—Proposed amendment to Article XII of the Constitution, relative to the railroad commission—have had the same under consideration, and respectfully report the same back, with the recommendation that the committee substitute be adopted.

WOLFE, Acting Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Campbell asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 4 taken up for consideration, out of order.

SENATE CONSTITUTIONAL AMENDMENT NO. 4.

Proposed amendment to Article XII of the Constitution, relative to the Railroad Commission.

The Legislature of the State of California, at its regular session commencing on the fourth day of January, A. D. nineteen hundred and nine, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose, that section twenty-two of article twelve of the Constitution of the State of California, be amended so as to read as follows:

Section 22. There is hereby created a Railroad Commission, which shall consist of five members to be appointed by the Governor, by and with the advice and consent of the Senate, one of whom designated by the Governor shall, during his term of office, be the chairman of the commission. The Governor may remove any commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice. If such commissioner shall be removed the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings. Of the members of the commission first appointed hereunder, one shall hold office until February first, nineteen hundred and thirteen, one until February first, nineteen hundred and fourteen, one until February first nineteen hundred and fifteen, one until February first, nineteen hundred and sixteen, and one until February first, nineteen hundred and seventeen; the term of office of each commissioner so appointed shall begin on the first day of February, nineteen hundred and eleven. Upon the expiration of each of such terms, the term of office of each commissioner thereafter appointed shall be five years from the first of February. Vacancies shall be filled by appointment for the unexpired term.

Said commission shall have the power, and it shall be their duty, to regulate, supervise and control all railroads and street railroad corporations and common carriers in this State; to establish, modify or change rates of charges for the transportation of property and passengers by such common carriers, railroad and street railroad corporations, and to prohibit proposed changes in such rates or charges, and to prescribe necessary regulations with regard to the same; to examine the books, records and papers, and to hear and determine complaints against common carrier, railroad and street railroad corporations; to issue subpoenas and all other necessary process, to administer oaths and take testimony; to prescribe a uniform system of accounts for said common carriers, railroad and street railroad corporations; to regulate and control the service and accommodations furnished by said common carriers, railroad and street railroad corporations; and to approve or prohibit all issues of stock, bonds or other forms of indebtedness by such common carriers, railroad and street railroad corporations.

The Legislature shall pass such laws as shall be necessary to enable the commission to perform the duties enjoined on them in this section and to carry out the provisions of this article and may confer such further powers on the commission as shall be necessary for such purposes.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 4.

Proposed amendment to Article XII of the Constitution, relative to Railroad Commission.

The legislature of the State of California, at its regular session commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose an amendment to the constitution of the State of California by amending Section 22 of Article XII and by repealing Section 23 of Article XII thereof.

First—Section twenty-two of article twelve is hereby amended to read as follows:

Section 22. There is hereby created a Railroad Commission, which shall consist of three members and which shall be known as "The Railroad Commission of the State of California." The commissioners shall be appointed by the Governor by and with the advice and consent of the Senate. Of the members of the commission first appointed hereunder, one shall hold office until February 1, 1913, one until February 1, 1915, and one until February 1, 1917. The term of office of each commissioner so appointed shall begin on the first day of February, 1911. Upon the expiration of each of said terms, the term of office of each commissioner thereafter appointed shall be six years from the first day of February, immediately succeeding the expiration of the term of his predecessor. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to the confirmation of the Senate. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their offices; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon or continue in office after the Senate shall have refused to confirm his appointment or adjourned *sine die* without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. The legislature shall fix the salary of the commissioners. The legislature shall have the power by a two-thirds vote of all the members elected to each house to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State and no person in the employ of or holding any official relation to any common carrier subject to the laws of this State or owning stock or bonds thereof or who is in any manner pecuniarily interested therein shall be appointed to or hold such office. No more than two of said commissioners shall belong to the same political party. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of the majority of said commissioners shall be the act of said commission. The commission and each of its members shall have such powers and perform such duties as are now or may hereafter be provided for by law.

Second—Section twenty-three of article twelve of said constitution is hereby repealed.

Committee Substitute for Senate Constitutional Amendment No. 4 read and adopted.

RUSH ORDER TO PRINTER.

On motion of Senator Campbell, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Constitutional Amendment No. 4.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER—(RESUMED).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1157—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered one thousand four hundred sixty-five and one-half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 1158—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Senate Bill No. 1159—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Also: Senate Bill No. 1160—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1161—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Have had the same under consideration, and respectively report the same back, with the recommendation that the author be permitted to withdraw the same.

WOLFE, Acting Chairman.

Senate Bills Nos. 1157, 1158, 1159, 1160, and 1161 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 989—An Act to amend Section 925 of the Penal Code, relating to grand juries—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WOLFE, Acting Chairman.

Senate Bill No. 989 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 727—An Act to amend Section 1436 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census and by providing a fine for those refusing to give in the school census—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 727 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, approved March 24, 1903.

Also: Assembly Bill No. 196—An Act to provide county library systems.

Also: Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BLACK, Chairman.

Senate Bills Nos. 139, 196, and 1138 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wolfe asked for, and was granted, unanimous consent to withdraw Senate Bill No. 923—An Act entitled an Act to amend Section 1737 of the Code of Civil Procedure, relating to public administration.

Senate Bill No. 923 withdrawn and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Senate Bill No. 249 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Miller, Price, Rush, Savage, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1207 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Campbell, Curtin, Cullen, Finn, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Strohbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1060 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Finn, Hare, Holoban, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Senate Bill No. 1195 temporarily passed on file, in the absence of the author, to retan its place.

Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 242 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At eight o'clock and forty minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until eight o'clock and fifty-five minutes P. M.

RECONVENED.

At eight o'clock and fifty-five minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Harry McKanney of San Francisco.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

SENATE CONCURRENT RESOLUTION No. 12.

WHEREAS, A. C. Irwin, Theodore Summerland, and H. D. Loveland are the duly qualified and acting Railroad Commissioners of the State of California, constituting the State Board of Railroad Commissioners, as created by section twenty-two, article twelve, of the Constitution of the State of California; and

WHEREAS, It is provided in said section twenty-two of article twelve of the Constitution that the Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty, or corruption, or incompetency; and

WHEREAS, The said Railroad Commissioners, and each of them, as above named, have been guilty of dereliction of duty and incompetency in the discharge of the duties of the said office of Railroad Commissioner in that they, and each of them, has utterly failed and neglected to establish rates of charges for the transportation of passengers and freight by railroad and other transportation companies and to publish the same from time to time; and have utterly failed and neglected to examine the books, records and papers of all railroad and other transportation companies, to hear and determine complaints against railroad and other transportation companies, to enforce their decisions and correct abuses through the medium of the courts; and have utterly failed and neglected to prescribe a uniform system of accounts to be kept by all such corporations and companies; and have failed and neglected to report to the Governor, annually, their proceedings and such other facts as may be deemed important; and have utterly failed and neglected to take the proper and necessary proceedings to prevent discrimination in charges and facilities for transportation by railroad and other transportation companies between places and persons and in the facilities for the transportation of the same classes of freight passengers within this State or coming from or going to any other state; and have utterly failed and neglected to provide that persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing, all as provided in and commanded by the Constitution and statutes of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the said A. C. Irwin, Theodore Summerland and H. D. Loveland, Railroad Commissioners as aforesaid, be and they are hereby removed from said offices of Railroad Commissioners, and the said offices are hereby, each and every one of them, declared to be and they are vacant.

Senator Caminetti asked for, and was granted, unanimous consent to offer the following amendments:

On page 1, first "Whereas", line 1, strike out the comma (,) after the name Irwin, and insert the word "and".

Also:

On same page, same "Whereas", lines 1 and 2, strike out the words and name following: "and H. D. Loveland".

Also:

On same page, and "Whereas", in line 2, strike out the word "the".

Also:

On same page and "Whereas", line 3, strike out the words: "Constituting the State", and insert in lieu thereof the following: "and members of the".

Also:

On page 2, in resolution, on line 46, strike out comma (,) after the word "Irwin", and insert the word "and".

And:

On page 2, in resolution, on line 47, strike out the words and name following: "and H. D. Loveland".

Amendments read and ordered printed in the Journal.

Senate Concurrent Resolution No. 12 ordered on file as unfinished business.

ADJOURNMENT.

At nine o'clock and ten minutes P. M., on motion of Senator Miller, the President declared the Senate adjourned until Monday, March 8, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Monday, March 8, 1909.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Rt. Rev. Monsignor T. J. Capel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 5, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Misses Aris Smith, Delta Garst, Mabel Van Zwahlenburg, Bertha Van Zwahlen-

burg, Eloise Jameson, Harriet King, Elizabeth McFarland, Gem Lee Barker, Effie Clark, Verna Marshall, Monette Todd, Stella McAllister, Shirley Hyatt, Marguerite Hyatt, Vida Watkins, Lilo McMillan of Stanford University.

Also:

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. L. J. McEnerney of Vallejo.

Also:

On request of Senator Savage, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Captain Victor Johnson of San Pedro.

Also:

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Sidney McM. Van Wyck of San Francisco.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund of the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 1443 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Also: Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of the State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the revision and reform of the law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.

Also: Senate Bill No. 1181—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Also: Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Also: Committee Substitute for Senate Bill No. 1165—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered one hundred and thirty-two, providing for a divorce examiner, and fixing his duties and compensation.

Also: Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof.

Also: Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization, and management of municipal water districts.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Also: Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor, by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two, of the Political Code, relating to the State Board of Health.

Also: Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure of the State of California, relating to removal or suspension of attorneys and counselors at law.

Also: Senate Bill No. 1004—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.

Also: Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

Also: Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 1173, 736, 1181, 1237, 525, 1138, 767, 1146, 998, 1179, 485, 1155, 756, 917, 769, 1004, 1174, 913, 590, 349, and Committee Substitute for Senate Bill No. 1165 ordered on file for third reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Miller—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents—have had the same under consideration, and respectfully recommend that the Constitution be complied with, and the Senator be permitted to introduce the bill.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Miller be, and he is, permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Miller: Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Read first time, and ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Also: Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Senate Bill No. 746—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

Also: Senate Bill No. 1030—An Act to amend Section 594 of the Political Code classifying insurance business and specifying required capital stock and available cash assets.

Also: Senate Bill No. 1029—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.

Also: Senate Bill No. 1033—An Act to amend Section 594a of the Political Code as to deposits of insurance companies not organized under the laws of this State.

Also: Senate Bill No. 1034—An Act to amend Section 602 of the Political Code as to what constitutes insolvency of an insurance company.

Also: Senate Bill No. 1035—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 1039—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Also: Senate Bill No. 1045—An Act providing that life insurance policies shall constitute the entire contract.

Also: Senate Bill No. 1046—An Act relating to the compensation of and contracts with officers, trustees, directors and employees of life insurance companies.

Also: Senate Bill No. 1036—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

BATES, Chairman.

Senate Bills Nos. 744, 745, 746, 1030, 1029, 1033, 1034, 1035, 1039, 1045, 1046, and 1036 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1031—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Also: Senate Bill No. 1032—An Act to amend Section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this State.

Also: Senate Bill No. 1028—An Act to amend Section 608 of the Political Code as to transfers from State to Federal Court.

Also: Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Also: Senate Bill No. 1037—An Act to repeal Section 600a of the Political Code, and to re-enact same as Section 603a of the Political Code.

Also: Senate Bill No. 1047—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Also: Senate Bill No. 1048—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Also: Senate Bill No. 1051—An Act defining the status of persons soliciting life insurance.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

BATES, Chairman.

Senate Bills Nos. 1031, 1032, 1028, 1027, 1037, 1047, 1048, and 1051 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents or employees of any such companies relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Also: Senate Bill No. 750—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Also: Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do not pass.

BATES, Chairman.

Senate Bills Nos. 748, 750, and 749 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 810—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

BATES, Chairman.

Senate Bill No. 810 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Black asked for, and was granted, unanimous consent to withdraw Senate Bill No. 810—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

Senate Bill No. 810 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1387—An Act to amend Section 1161 of the Political Code of the State of California, relating to proclamation at closing the polls.

Also: Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Also: Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Also: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Also: Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Also: Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 1387, 1388, 625, 1125, 617, and 574 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1243—An Act to amend section two hundred eighty b of the Code of Civil Procedure of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BLACK, Chairman.

Senate Bill No. 1243 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 303 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: The San Francisco Delegation, to whom was referred Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

WELCH, Chairman.

Assembly Bill No. 420 ordered on file for second reading.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator McCartney, Senate Bill No. 1245 was ordered withdrawn from Committee on Judiciary, and ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Willis asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 1157, 1158, 1159, 1160, and 1161.

Senate Bill No. 1157—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered one thousand four hundred sixty-five and one-half, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Senate Bill No. 1158—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Senate Bill No. 1159—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Senate Bill No. 1160—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Senate Bill No. 1161—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Senate Bills Nos. 1157, 1158, 1159, 1160, and 1161 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committee were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and instructed to forward, postage or expressage prepaid, to each member of the Senate, after the adjournment of the Legislature, or as soon thereafter as practicable, one copy of the laws and statutes in chapter form of the thirty-eighth session of the Legislature; and it is further

Resolved, That the sum of one hundred dollars (\$100.00) be appropriated out of the contingent fund of the Senate, payable to the Sergeant-at-Arms of the Senate for express charges and postage for the transmission of the laws and statutes, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Also:

Resolved, That there is hereby appropriated out of the contingent fund of the Senate the sum of two hundred and ninety dollars (\$290.00), or so much thereof as may be needed, for the purpose of purchasing boxes, and expressing all papers and documents belonging to Senators to their places of residence at the close of the session. The Sergeant-at-Arms of the Senate shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted as amended.

WOLFE, Chairman.

Report and resolutions, as amended, read.

The question being upon the adoption of the report and resolutions, as amended.

The roll was called, and the report and resolutions, as amended, adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to have Senate Bill No. 485 taken up for consideration out of order.

Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 254—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof—the same was taken up for consideration.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Savage, Assembly Bill No. 254 was ordered re-referred to Committee on Public Health and Quarantine.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Price: Senate Concurrent Resolution No. 16—Relative to the encouragement of the viticultural industry of the State of California.

Senate concurrent resolution referred to Committee on Fruit and Vine Interests.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to have Senate Bill No. 1173 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements" approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

Amend the title of the printed bill by inserting in line 2 thereof, after the word "amend" the following: "Sections 4, 6, 8, 9, 10, 11, 12, 14, 16, and 33 of".

Also:

Amend the title of the printed bill by striking out the word "expenses", in line 9 of the title, and inserting in lieu thereof the word "expense".

Also:

In line 10, of the title, strike out the "comma" after the figures "1903" and all of the remainder of the title, and insert in lieu thereof the following: "and to provide for the continuance of proceedings and actions for improvements under said Act commenced prior to and pending at the time of the taking effect of this Act."

Also:

On page 1, Section 1, line 1, of the printed bill, strike out all the following: "that Section 6", and insert in lieu thereof the following: "Section four".

Also:

On page 2, line 8, Section 1, of the printed bill, strike out the words "be and the same".

Also:

On page 2, Section 1, of the printed bill, strike out lines 10, 11, 12, 13, 14, 15, 16, 17 and 18, and insert in lieu thereof the following: "Sec. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this Act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common, if any co-tenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall endorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on

streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention, except in the cases hereinafter otherwise provided, shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protest to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the mean time petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, or if the proposed improvement is for the opening or extending of a street for a distance of not more than two blocks intervening between the terminations of two different streets, or two portions of the same street, existing at the time of the passage of the ordinance of intention for the proposed improvement, each of said different street or said portions of the same street being at least five blocks in length, and the opening or extending of the street described in the ordinance of intention through such intervening block or blocks will, together with such different streets or portions of the same street so existing, make one connecting or continuous street, as nearly as may be practicable, or if the proposed improvement is for the opening or extending of a street into a different street, for a distance of not more than one block intervening between the termination of such street so proposed to be opened or extended and such different street, when the street so proposed to be opened or extended through such intervening block exists, at the time of the passage of the ordinance of intention, for a distance of at least five blocks, or if the proposed improvement is for the opening or extending of a public street, lane, alley, court or place through the remainder of a block when such public street, lane, alley, court or place exists, at the time of the passage of the ordinance of intention for the proposed improvement, for at least one half of the distance through such block, the city council shall thereupon fix a time for hearing said protests, not less than ten days after the meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published for at least five days in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, by at least two insertions in a weekly newspaper so published and circulated. The city council shall hear said protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If the protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention."

Also:

Strike out all of sections two to nine, inclusive, of the printed bill, and insert in lieu thereof the following:

"SEC. 2. Section six of said act is hereby amended to read as follows:

Section 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for bringing such action for an additional period not exceeding ninety days. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter enacted, as may be applicable thereto, except in the particulars otherwise provided for in this Act.

SEC. 3. Section eight of said Act is hereby amended to read as follows:

Section 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving a trial by jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

SEC. 4. Section nine of said Act is hereby amended to read as follows:

Section 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by a jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall

make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; *provided, however*, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed ninety days; and *provided further*, that if any vacancy in the referees is created and filled as provided in section eight of this Act, or if new referees are appointed, or if a new report from the same referees is ordered, as provided in section eleven of this Act, the time herein specified for the filing of such report shall be deemed to be thirty days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report.

SEC. 5. Section ten of said Act is hereby amended to read as follows:

Section 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this Act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the ordinance of intention, shall be included in the assessment of compensation or damages.

The referees, or court, or jury, as the case may be, shall find separately:

First: The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second: If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Sec. 6. Section eleven of said Act is hereby amended to read as follows:

Section 11. Upon the filing of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than twenty days thereafter. Notice of the time and place of said hearing must, at least ten days before the time so appointed, be served on all the other parties, except defendants whose default has been entered. The plaintiff, or any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property included within the assessment district for said improvement described in the ordinance of intention, by causing said notice last mentioned to be published for five days in a daily newspaper published and circulated in the city; or, if there be no such daily newspaper, then by two insertions in a weekly newspaper so published and circulated. Any publication of such notice shall commence at least ten days before the time appointed for the hearing of the report. Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file in the office of the clerk of said court, his exceptions in writing to said report, if any he has, specifying the grounds upon which such exceptions are based. Said notice shall also contain a description of the said assessment district as set forth in the ordinance of intention. At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action, and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based; and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference.

If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement. Said notice shall be published in the same manner and for the same time as the notice hereinbefore in this section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improvement, to intervene in said action, and to appear at the trial thereof and introduce evidence

relative to the compensation and damages to be awarded to the defendants therein. At any time within not less than one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. The cost of the publication of the notices required by this section shall be paid by the plaintiff, and allowed as costs in the action.

When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing or trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance.

Sec. 7. Section twelve of said Act is hereby amended to read as follows:

Section 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court upon the hearing of the report, and their necessary expenses.

Sec. 8. Section fourteen of said Act is hereby amended to read as follows:

Section 14. The city council may, at any time prior to the entry of the interlocutory judgment, abandon the proceedings by ordinance, and cause the said action to be dismissed without prejudice.

Sec. 9. Section sixteen of said Act is hereby amended to read as follows:

Section 16. The city engineer shall deliver said diagram to the street superintendent, and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram: *provided, however*, that the city council may by order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation, and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting, and publication of notices, for maps, diagrams, plans, surveys, searches, and certificates of title to the property to be taken, and all other matters incident thereto."

And:

On page 6, after Section 9, line 1, of the printed bill, insert the following:

SEC. 10. Section thirty-three of said Act is hereby amended to read as follows:

Section 33. The following words and phrases shall, where used in this Act, have the following meanings:

(1) The term "improvement" includes all of the improvements mentioned in section one of this Act.

(2) The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

(5) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

(6) The term "street superintendent" includes any officer or board whose duty it is by law to have the care or charge of streets or the improvement thereof, in any city. In any city where there is no street superintendent, or no such board, the city council thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this Act on the street superintendent, and all of the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7) The terms "owner" and "any person interested" include the person owning the fee, or other person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian, or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee

to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

SEC. 11. Any proceeding or action for any improvement, such as is provided for in this Act, or in said Act to which this Act is amendatory, already commenced and pending at the time this Act takes effect, under or by virtue of any ordinance of intention theretofore passed, shall, from the stage of any such proceeding or action already commenced and in progress at the time this Act takes effect, be continued under the provisions of this Act. Any such proceeding or action shall then be continued and conducted under the provisions of this Act, with full force and effect in all respects from the stage of such proceeding or action at and from the taking effect of this Act; and from the taking effect of this Act all proceedings theretofore had for any such improvement, and all proceedings theretofore had or taken in any such action, are hereby ratified, confirmed, and made valid, and it shall not be necessary to renew or conduct over again any such proceedings or actions, commenced prior to the taking effect of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1173, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 1—Relative to the separation of State and county taxes—the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen, and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of

their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentage above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State; *provided further, however*, that when any railroad company, including street railways shall pay to any municipality or county a certain proportion of its gross receipts for the privilege of exercising any right or franchise in any such municipality or county, the amount so paid to such municipality or county shall be deducted from the amount which such railroad company, including street railways, shall be obligated to pay under the terms hereof, for the year for which such percentage of gross receipts is paid to such municipality or county.

(b) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions imposed on insurance companies of this State, doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed on insurance company of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

(c) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at

their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(e) Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section, the taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(f) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, three fourths of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section, and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for the reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such times as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said Constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said Constitution is hereby repealed.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment, the following amendment was offered:

By Senator Curtin:

Amend Senate Constitutional Amendment No. 1 as amended March 3, 1909, by striking out on page 3 all of lines 63 to 75a inclusive, and inserting in lieu thereof the following: *Provided*, that nothing herein shall be construed to release any such

company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

Amendment read.

MOTION

Senator Boynton moved that the above amendment be printed in the Journal, and that further consideration of Senate Constitutional Amendment No. 1 be made a special order for Tuesday, March 9, 1909, at eleven o'clock A. M.

Senator Price seconded the motion.

Motion lost.

POINTS OF ORDER.

Senator Boynton made the following points of order, viz:

That a motion to insert agreed to, prevents a motion to strike out, unless the propositions are substantially different. (See Section 1332, Law and Practice of Legislative Assemblies—Cushing.)

The President declared the point of order not well taken.

Also:

That whatever is agreed to by the House, either adopting or rejecting a proposed amendment, can not be afterwards altered or amended. (See Section 1307, Law and Practice of Legislative Assemblies—Cushing.)

The President declared the point of order not well taken.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended forty minutes.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and forty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

The question being upon the adoption of the amendment by Senator Curtin to Senate Constitutional Amendment No. 1.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anthony, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Roseberry, Sanford, Weed, Wolfe, and Wright—19.

NOES—Senators Bell, Birdsall, Black, Boynton, Cartwright, Holohan, Price, Savage, Strobbridge, and Walker—10.

Senate Constitutional Amendment No. 1 ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 1.

SPECIAL ORDER SET.

Senator Curtin moved that the consideration of Senate Constitutional Amendment No. 1 be made a special order for Tuesday, March 9, 1909, immediately after the consideration of the special order heretofore set, following the reading of the Journal.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for, and was granted, unanimous consent to have Senate Bill No. 1134 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Black as a special committee of one to amend, as follows:

After the word "government", in line 2, of Section 1, add the words "of the United States".

Also:

After the word "California", in line 6, of Section 1, add the following: "and also all such selections which are now pending before the land department of the United States, when listed to the State, are".

Also:

Strike out the word "is", in line 6, of Section 1.

Also:

After the word "State", in line 7, of Section 1, insert a comma and then add the following: "when said State shall have issued its patent therefor.".

Also:

Strike out the following, in line 11, of Section 1: "is hereby declared to be vested", and in lieu thereof insert "shall vest".

Also:

After the words "United States", in line 12, of Section 1, insert "at the date of such listing to the State".

Also:

Strike out the words "is hereby", in line 12, of Section 1, and insert in lieu thereof "shall be deemed to be".

And:

After the words "United States", in line 13, of Section 1, and before the punctuation mark, insert "at the time of such listing to the State as aforesaid".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1134, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Strobbridge:

Resolved, That the sum of \$641.90 be paid out of the contingent fund of the Senate to Senator W. F. Price, chairman of the Special Investigating Committee appointed to visit the different institutions of the State calling for appropriations, and the Controller is directed to draw his warrant for the same, and the Treasurer ordered to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At one o'clock and ten minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened. Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Savage, Assembly Bill No. 428 was ordered withdrawn from the file and re-referred to Committee on Commerce and Navigation.

MOTION TO RECONSIDER LOST.

In compliance with his notice, given on previous day, Senator Anthony moved that the vote whereby Assembly Bill No. 171—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State"—was refused final passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Hartman, McCartney, and Wolfe—3.

NOES—Senators Anthony, Bates, Bell, Birdsall, Black, Barnett, Cantratti, Campbell, Cartwright, Curtin, Hare, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Sanford, Savage, Thompson, Willis, and Wright—22.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss J. M. Lynch of San Francisco.

Also:

On request of Senator Wright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Frank Cuttle of Riverside.

Also:

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Arthur M. Free, district attorney of Santa Clara County.

Also:

On request of Senator Roseberry, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Miss Edna Rich, and Messrs. Wm. G. Griffith, Esq., and M. C. McDuffie of Santa Barbara.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. H. H. Welsh, L. P. St. Clair, S. W. Morsehead, and W. B. Robb.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Also: Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 131—An Act to amend section four thousand two hundred twenty-five of the Political Code, relating to the appointment, powers, duties, and compensation of health officers in counties and unincorporated towns.

Also: Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold storage rooms at said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Assembly Bill No. 408—An Act to amend Section 171 of the Code of Civil Procedure of this State, relating to the practice of law by judges or court clerks.

Also: Assembly Bill No. 561—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroads, spurs, betterments, and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Also: Assembly Bill No. 661—An Act to amend section seven hundred and seventeen of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Also: Assembly Bill No. 964—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Also: Assembly Bill No. 749—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 781—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

Also: Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also, Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Also: Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Assembly Bill No. 1056—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 26, 127, 130, 131, 132, 207, 210, 211, 408, 564, 595, 642, 661, 669, 709, 749, 781, 962, 965, 968, 669, 970, 971, 972, 973, and 1056 read first time.

Assembly Bill No. 26 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 127, 130, 132, 207, 210, 211, 564, 595, 969, 749, 962, 965, 968, 669, 970, 971, 972, 973, and 1056 ordered referred to Committee on Finance.

Assembly Bills Nos. 131, 408, 642, and 661 ordered referred to Committee on Judiciary.

Assembly Bill No. 709 ordered referred to Committee on County Government.

Assembly Bill No. 781 ordered referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters, in counties of the fifth class, and prescribing his powers, duties, and compensation—to your honorable body, as per order of this house.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Committee Substitute for Assembly Bill No. 7 read first time, and ordered referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also: Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Also: Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Also: Assembly Bill No. 1256—An Act to amend section three of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Also: Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901'", by adding thereto a new section, to be numbered 20a.

Also: Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Also: Assembly Bill No. 1408—An Act to amend section five thousand and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Constitutional Amendment No. 44 ordered to enrollment.

Senate Bills Nos. 194, 222, 321, 353, 554, 555, 556, and 648 ordered to enrollment.

Assembly Bills Nos. 104, 430, 630, 701, 806, 823, 826, 945, 1018, 1020, 1042, 1086, 1092, 1095, 1096, 1144, 1158, 1165, 1166, 1223, 1253, 1254, 1256, 1261, 1321, 1353, 1403, and 1408 read first time.

Assembly Bills Nos. 104, 826, 1095, 1096, 1144, 1223, 1254, 1261, and 1403 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 430 and 1353 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 630 ordered referred to Committee on Education.

Assembly Bills Nos. 701, 1018, and 1408 ordered referred to Committee on Finance.

Assembly Bill No. 823 ordered referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 806, 1086, and 1092 ordered referred to Committee on County Government.

Assembly Bill No. 945 ordered referred to Committee on Agriculture and Dairying.

Assembly Bills Nos. 1020, 1042, 1158, 1166, 1253, and 1321 ordered on file without reference to committee.

Assembly Bill No. 1165 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1256 ordered referred to Committee on Public Health and Quarantine.

WITHDRAWAL OF BILLS.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1004—An Act to amend section two of

"An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Senate Bill No. 1004 withdrawn, and ordered stricken from the file.

Also:

Senator Miller asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1008—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Senate Bill No. 1008 withdrawn, and ordered stricken from the file.

Also:

Senator Thompson asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 1082 and 1081.

Senate Bill No. 1082—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Senate Bill No. 1081—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, etc.

Senate Bills Nos. 1082 and 1081 withdrawn, and ordered stricken from the file.

And:

Senator Welch asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1181—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Senate Bill No. 1181 withdrawn, and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER—(RESUMED).

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 179 read first time, and ordered referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 726—An Act to add a new section to the Penal Code, to be known as Section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietors of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 240—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No. 825—An Act to amend Section 4277 of the Political Code, relating to salaries and fees of officers of counties of the forty-eighth class.

Also: Assembly Bill No. 846—An Act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 965 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of seventeen hundred dollars therefor.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 510?"

In line 6, of the title, strike out the words "two thousand", and insert in lieu thereof the words "seventeen hundred".

Also:

In line 1, Section 1, of the printed bill, strike out the words "two thousand", and insert in lieu thereof the words "seventeen hundred".

And:

In line 2, Section 2, of the printed bill, strike out the words "two thousand", and insert in lieu thereof the words "seventeen hundred".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 510 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Savage, Stetson, Stobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 510 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 843?"

After the word "employee", in line 1, Section 1, of the printed bill, insert the words "regularly employed".

Also:

After the word "employee", in line 2, Section 1, of the printed bill, insert the words "regularly employed".

And:

After the word "office", in line 3, Section 1, of the printed bill, insert the words "who shall have been employed for a period of not less than six months".

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 843 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended the title, and on this day adopted as amended, Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California—and respectfully request your honorable body to concur in said amendment.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 11?"

Strike out the words "be exempt from taxation", and insert in lieu thereof the words "not be considered property subject to taxation";.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Constitutional Amendment No. 11 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Constitutional Amendment No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also, since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

Also: Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California, relating to the salaries, fees, and mileage of officers, their deputies and assistants, and jurors in counties of the fourth class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 264?"

By adding a new section, to read as follows:

"SEC. 3. Providing that nothing in this Act shall apply to persons or corporations doing a banking business in this State."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 264 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutton, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney,

Miller, Price, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—Senator Welch—1.

Senate Bill No. 264 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 476?"

On page 1, line 1, of the title, of the printed bill, after the word "Fish" insert the word "and".

Also:

On page 1, Section 1, line 5, of the printed bill, after the word "introducing" insert the word "game".

Also:

On page 1, Section 1, of the printed bill, strike out all of lines 11 and 12.

And:

On page 1, Section 1, line 13, of the printed bill, strike out the following: "by the State Board of Examiners."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 476 by the following vote:

AYES—Senators Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Kennedy, Leavitt, Martinelli, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 476 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 559?"

Strike out of line 11, page 2, all after and including the word "provided," in said line 11, to the end of Section "1", and insert (.) period.

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 559 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Campbell, Cartwright, Cutten, Hartman, Holohan, Kennedy, Leavitt, Martinelli, Miller, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

Senate Bill No. 559 ordered transmitted to the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 729?"

Amend by striking out of line 22, page 2, of the printed bill, the words "one hundred and seventy-five", and insert in lieu thereof the words "two hundred".

Also:

Amend by striking out of line 25, page 2, of the printed bill, the words "one hundred and seventy-five", and inserting in lieu thereof the words "two hundred".

Also:

Amend by striking out all of lines 39, 40, 41, and 42, on page 2, of the printed bill, and inserting in lieu thereof the following: "8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a clerk, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum, payable as the salaries of other county officers are paid."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 729 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 729 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 762?"

On page 1, Section 1, between lines 2 and 3, insert the following: "the powers and duties of the board as follows:"

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 762 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 762 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 768?"

On page 1, Section 1, line 11, of the printed bill, after the word "it" insert the following: "provided that such milk commission shall make all requirements for the production and handling of certified milk uniform and fair, and shall not refuse to certify milk for any applicant for certification who shall comply with the provisions of this Act, and the requirements of the milk commission whose certification is sought".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 768 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 768 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 890?"

On page 1, of the printed bill, in lines 2, 3, and 4 of the title, strike out the following: "relating to salaries and fees of officers of counties of the fourth class, their deputies and assistants", and insert in lieu thereof the following: "relating to the salaries, fees, and mileage of officers, their deputies and assistants, and jurors in counties of the fourth class".

Also:

On page 6, of the printed bill, between lines 181 and 182 insert the following: "13. The fish and game warden, twelve hundred dollars per annum, and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty dollars for any one month".

Also:

In line 182, page 6, of the printed bill, strike out the figures "13", and insert in lieu thereof the following: "14".

Also:

In line 283, page 9, of the printed bill, strike out the figures "14", and insert in lieu thereof the following: "15".

Also:

In line 358, page 11, of the printed bill, strike out the figures "15", and insert in lieu thereof the following: "16".

And:

On page 11, of the printed bill, after line 368 insert the following: "17. The fees of grand jurors and trial jurors in the Superior Courts of said counties of the fourth class, in civil and criminal cases, shall be two and one half dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the Superior Court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 890 by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hare, Holoohan, Kennedy, Leavitt, Lewis, Martinielli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 890 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

Also: Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "the congregate dining-room," and to make appropriation for the same.

Also: Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 27, 172, and 175 ordered on file for third reading.

MESSAGES FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Governor were taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 696, entitled "An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents," without my approval, for the following reasons:

By this amendment to Section 1579 of the Code of Civil Procedure as it now stands, a provision authorizing the courts to prescribe terms and conditions of a lease is omitted. The amendment proposed in this bill authorizes the leasing of oil lands for twenty years, or as long thereafter as oil and petroleum or other minerals be produced therefrom in paying quantities.

I do not consider it proper that this last provision should be incorporated in our laws, as it is too indefinite, and practically would permit leasing for all time, providing the land continues to produce oil. To fix a period of twenty years is sufficient to meet all the requirements of leases of this character.

This bill is vetoed upon the request of the author.

J. N. GILLET, Governor.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 696 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Birdsell, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Sanford, Savage, Stetson, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—31.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 8, 1909.

To the Senate of the State of California:

I have the honor to return herewith Senate Bill No. 324, entitled "An Act to amend an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to and furnishing or erecting of unsafe or improper scaffoldings or mechanical contrivances," without my approval, for the following reason:

The title to said Act provides for adding a new section to the Penal Code, to be known and numbered as section four hundred and two and three quarters. The body of the Act provides for the adding of a new section, to be known and numbered as section four hundred and three and three quarters.

This bill is vetoed at the request of the author.

J. N. GILLETT, Governor.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 324 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Birdsell, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—31.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 8, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved:

Senate Bill No. 343—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3738 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes, and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-four, section thirty-seven hundred and eighty-five, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes and the redemption and resale of such property, and to add a new section thereto to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Senate Bill No. 1041—An Act to amend an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, Statutes of 1905, page 777 thereof.

Also: Senate Bill No. 352—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Also: Senate Bill No. 238—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Also: Senate Bill No. 206—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

Also: Senate Bill No. 193—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903: approved March 18, 1905.

Also: Senate Bill No. 258—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 18—An Act to define and regulate the business of banking.

Also: Senate Bill No. 451—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.

Also: Senate Bill No. 263—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 361—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

Also: Senate Bill No. 289—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 288—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 160—An Act to establish a bird and arbor day.

Also: Senate Bill No. 131—An Act to amend section four thousand two hundred twenty-five of the Political Code relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

Also: Senate Bill No. 520—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California: to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

Also: Senate Bill No. 708—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

Also: Senate Bill No. 523—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as agricultural pavilion and manufacturers' pavilion.

Also: Senate Bill No. 522—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated machinery hall, fixing the requirements thereof, and making an appropriation therefor.

Also: Senate Bill No. 521—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements, by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 1235—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 25—An Act repealing an Act approved March eleventh, nineteen hundred and seven, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend section one of an Act approved March twentieth, nineteen hundred and five, entitled "An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March twentieth, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March seventh, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March twenty-third, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March twelfth, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand

dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

J. N. GILLET, Governor.

Message read, and ordered printed in the Journal.

CONSIDERATION OF DAILY FILE—SPECIAL FILE OF APPROPRIATION BILLS.

Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1055 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 177 was temporarily passed on file, to retain its place.

Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 176 was temporarily passed on file, to retain its place.

Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "the congregate dining-room," and to make an appropriation for the same.

On motion of Senator Willis, Senate Bill No. 172 was temporarily passed on file, to retain its place.

Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 175 was temporarily passed on file, to retain its place.

Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 474 was temporarily passed on file, to retain its place.

Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1003—Appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1003 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Martinelli, Miller, Price, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 283 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Cutten, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—Senator Hartman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WEED IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Weed, of the Second District, in the chair.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 284 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsell, Black, Boynton, Caminetti, Campbell, Cutton, Estudillo, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 716—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Senate Bill No. 716 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Senate Bill No. 48 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located in Yountville, Napa County, including a ward for the care and treatment of tuberculosis patients.

Senate Bill No. 39 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 43 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 124—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Senate Bill No. 124 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said building, and making an appropriation therefor.

Senate Bill No. 126 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 713 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 123—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 123 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 84—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 84 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 125—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 125 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof.

Read third time.

On motion of Senator Finn, Assembly Bill No. 1034 was temporarily passed on file, to retain its place.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to

appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Holohan, Kennedy, Leavitt, Martinelli, McCartney, Miller, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 200—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

On motion of Senator Martinelli, Senate Bill No. 200 was temporarily passed on file, to retain its place

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station; and to make the necessary changes in the plumbing at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 19 and substitute therefor on file Assembly Bill No. 276.

Senate Bill No. 19 withdrawn and ordered stricken from the file, and Assembly Bill No. 276 substituted therefor on file.

Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 639 and substitute therefor on file Assembly Bill No. 809.

Senate Bill No. 639 withdrawn and ordered stricken from the file, and Assembly Bill No. 809 substituted therefor on file.

Assembly Bill No. 809—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 972, and substitute therefor on file Assembly Bill No. 1135.

Senate Bill No. 972 withdrawn, and ordered stricken from the file, and Assembly Bill No. 1135 substituted therefor on file.

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital, under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Aetna Life Insurance Company of Hartford, Connecticut, against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1017 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1018—An Act to appropriate the sum of \$1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1019—An Act to appropriate the sum of \$800.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1019 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Campbell, Cartwright, Cutten, Estudillo, Hare, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1020 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Campbell, Curtin, Cutten, Estudillo, Hare, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1021 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Cartwright, Estudillo, Holohan, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Stetson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to

pay the claim of the New England Mutual Life Insurance Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1022 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Hare, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1023 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1024—An Act to appropriate the sum of \$903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1024 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1025—An Act to appropriate the sum of \$1100.30 to pay the claim of the Life Association of America against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1025 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Campbell, Cartwright, Curtin, Estudillo, Hare, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1026—An Act to appropriate the sum of sixty and 60-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1026 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Cartwright, Cullen, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1130 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Cartwright, Cullen, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and twenty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SPECIAL ORDER SET.

Senator Willis moved that the consideration of the question of substituting Senate Bill No. 294 for consideration in place of Senate Bill No. 27 be made a special order for Tuesday, March 9, 1909, at eleven o'clock A. M.

Motion carried.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Walker, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James McKee-man of San Jose.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. John F. Rice and Mr. Sidney M. Van Wyk, Jr., of San Francisco.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Walker, Senate Bill No. 341 was ordered withdrawn from the file, and ordered re-referred to Committee on Judiciary.

WITHDRAWAL OF BILLS.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 788, 789, 790, 784, 791, 792, 793, and 794.

Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Senate Bill No. 790—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Senate Bill No. 784—An Act making an appropriation for the construction and furnishing of a dining-hall at the California Polytechnic School.

Senate Bill No. 791—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Senate Bill No. 792—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Senate Bill No. 793—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Senate Bill No. 794—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Senate Bills Nos. 788, 789, 790, 784, 791, 792, 793, and 794 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(OUT OF ORDER).

On motion of Senator Leavitt, the bills on the Special File of Appropriation Bills, and the Special File of County Government Bills on second reading, were taken up for consideration out of order.

Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission, to be known as the executive mansion commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the words "citizens of the State of California", and insert in lieu thereof the following: "all of whom shall be residents and citizens of the city of Sacramento, California."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 10, after the word "Superintendent" insert the words "of State Printing".

Amendment adopted.

Also:

On page 2, Section 2, line 3, after the word "office" insert the words "on any land now or hereafter owned by the State of California."

Amendment adopted.

Also:

On page 2, Section 2, line 5, strike out the words "provided".

Amendment adopted.

Also:

In line 6, Section 2, page 1, strike out the words "however, that it shall not be less than one full lot in said city."

Amendment adopted.

Also:

On page 2, Section 3, line 8, strike out the word "said", and insert in lieu thereof the following: "State".

Amendment adopted.

Also:

On page 2, Section 4, line 3, strike out the words "for the" and the syllable "pur-", and insert in lieu thereof the following: "for the cost of construction of such building no part of said sum shall be used for the acquisition of such site".

Amendment adopted.

And:

On page 2, Section 4, line 4, strike out the words "poses of this Act"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 95—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 1, by striking out the word "State".

Amendment adopted.

Also:

Amend page 1, line 1, Section 1, by inserting after the word "commissioners" the words "of the State of California".

Amendment adopted.

Also :

Strike out all of Section 3.

Amendment adopted.

Also :

Amend page 2, Section 4, line 1, by striking out the figure "4", and inserting in lieu thereof the figure "3".

Amendment adopted.

Also :

Amend title by striking out the word "State" therein.

Amendment adopted.

And :

Amend title by inserting after the word "commissioners" the words "of the State of California".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries, and fees of officers of counties of the sixth class.

During second reading of bill, the following amendment was submitted by committee :

On page 5, line 154, of the printed bill, strike out the word "hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 906—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

During second reading of bill, the following substitute was submitted by committee :

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 906.

An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies and assistants.

The people of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section 4231 of the Political Code is hereby amended to read as follows :

4231. In counties of the second class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit :

1. The county clerk, three thousand six hundred dollars per annum : *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows : One chief deputy, at a

salary of one hundred and seventy-five dollars per month; one deputy, who shall be cashier and bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy, who shall be in charge of the probate department, at a salary of one hundred and fifty dollars per month; one deputy, who shall be in charge of the registration department, at a salary of one hundred and fifty dollars per month; one deputy, who shall be an assistant to the registration clerk, at a salary of one hundred and thirty-five dollars per month; one deputy, who shall be an assistant to the registration clerk, at a salary of one hundred and twenty-five dollars per month; one deputy, who shall be an assistant to the registration clerk, at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; twelve deputies who shall be courtroom clerks, at salaries of one hundred and twenty-five dollars each per month; one deputy, who shall be judgment clerk, at a salary of one hundred and twenty-five dollars per month; one deputy, who shall be an assistant judgment clerk, at a salary of one hundred and ten dollars per month; one deputy, who shall be a file clerk, at a salary of one hundred and ten dollars per month; one deputy, who shall be an index clerk, at a salary of one hundred and ten dollars per month; one deputy, who shall be in charge of the criminal records, at a salary of one hundred and ten dollars per month; two deputies, who shall be recording clerks for probate orders, at a salary of one hundred and fifteen dollars each per month; one deputy, who shall be an assistant clerk of the board of supervisors, at a salary of one hundred and ten dollars per month; one deputy, who shall be a stenographer, at a salary of one hundred and ten dollars per month; one deputy, who shall be a stenographer for the board of supervisors, at a salary of one hundred dollars per month; one deputy, who shall be a miscellaneous department clerk, at a salary of one hundred and twenty-five dollars per month; six deputies, at a salary of one hundred dollars each per month; one messenger and telephone boy, at a salary of sixty dollars per month; one deputy, at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year, at a salary of eighty dollars per month each: *provided further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an undersheriff and the following deputies, stenographers and employees, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows, to wit: One undersheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred dollars per month; three deputies, at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail, at a salary of seventy dollars per month; twenty-five deputies, at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one deputy, who shall be bookkeeper at the county jail, at a salary of one hundred dollars per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and fifteen dollars per month; one matron of the county jail, at a salary of seventy-five dollars per month; two stenographers, at a salary of seventy-five dollars each per month; one deputy, who shall be a chauffeur and machinist, at a salary of one hundred dollars per month. The salaries of the undersheriff, matron, cook, and all deputies, stenographers, and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; one deputy, at a salary of one hundred and fifty dollars per month; two deputies, at a salary of one hundred and thirty dollars each per month; seven deputies, at a salary of one hundred and fifteen dollars each per

month; one deputy, at a salary of one hundred and ten dollars per month; one deputy, at a salary of one hundred and five dollars per month; fifteen deputies, at a salary of one hundred dollars each per month; three deputies, at a salary of seventy-five dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries, as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy, who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; one deputy, in the redemption department, at a salary of one hundred and thirty dollars per month; one deputy, in the redemption department, at a salary of one hundred and twenty-five dollars per month; one deputy, in the redemption department, at a salary of one hundred and twenty dollars per month; one deputy, who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy, who shall be assistant bookkeeper, at a salary of one hundred and thirty-five dollars per month; one deputy, who shall be assistant bookkeeper, at a salary of one hundred and twenty-five dollars per month; one deputy, at a salary of one hundred and fifteen dollars per month; two deputies, at a salary of one hundred dollars each per month; one hundred clerks, at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks, and assistants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies, who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy, who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy, at a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy, who shall be chief clerk, at a salary of one hundred and twenty-five dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and ten dollars each per month; one deputy, who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy, who shall be assistant cashier, at a salary of one hundred and ten dollars per month; two deputies, who shall be assistants to the cashier, at a salary of one hundred and ten dollars each per month, for a period not to exceed six months in any one year; one deputy, who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy, who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy, who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies, who shall be checking clerks, at a salary of one hundred and fifteen dollars each per month; and one deputy, who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy, who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies, who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy, who shall be chief report clerk, at a salary of one hundred and twenty-five dollars per month; six deputies, who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy, who shall be bookkeeper, at a salary of one hundred and ten dollars per month; twelve deputies, at a salary of one hundred dollars each per month; two deputies, who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy, who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy, who shall be a stenographer at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1909, at a salary of four dollars per day each for each day employed; and for any year subsequent to the year 1909, eighty-five clerks for a

period not to exceed six months in any one year, at a salary of four dollars each per day for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of such assistants, however, shall not exceed in the aggregate the sum of two thousand dollars during the year 1909, and like assistants in any year subsequent thereto for the revision and maintenance of such property index, whose compensation for any year after the year 1909 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed, and there is hereby allowed, a sum not to exceed four hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants, and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, six thousand dollars per annum; *provided* that in counties of this class there shall be and there is hereby allowed to the district attorney the following deputies, employees and assistants, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, at a salary of two hundred and seventy-five dollars per month; one chief deputy, at a salary of two hundred and fifty dollars per month; five deputies, at a salary of two hundred and twenty-five dollars per month each; six deputies, at a salary of two hundred dollars each per month; one clerk, at a salary of one hundred and fifty dollars per month; two detectives, at a salary of one hundred and thirty-five dollars each per month; two process servers, at a salary of one hundred dollars each per month; one stenographer, at a salary of one hundred and fifty dollars per month; three stenographers, at a salary of one hundred dollars each per month; one messenger, at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney, the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; one head deputy, county department, at a salary of one hundred and twenty-five dollars per month; one head deputy, city department, at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies, at a salary of one hundred and twenty dollars each per month; three real estate valuation deputies, at a salary of one hundred and twenty dollars each per month; one deputy, who shall be a cashier, at a salary of one hundred and twenty dollars per month; one machinery valuation deputy, at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy, at a salary of one hundred and ten dollars per month; ten deputies, at a salary of one hundred dollars each per month; four transfer deputies, at a salary of one hundred dollars each per month; fifty field deputies for a period not exceeding four months in any one year, at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year, at a salary of one hundred dollars each per month; twenty-five clerks for a period not exceeding four months in any one year, at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding four months in any one year, at a salary of one hundred dollars each per month; fifteen copyists, at a salary of seventy-five dollars each per month; ten copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding four months in any one year, at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; two deputies who shall be photographers at a salary of one hundred and twenty dollars each per month; two stenographers, at a salary of seventy-five dollars each per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies for each year. The salaries of the deputies, stenographers, clerks, and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes,

nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the State, and be and remain the property of said county.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by Chapter Two, Title Twelve, Part Two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a postmortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be, and he is hereby, allowed the following assistants: One deputy, at a salary of two hundred dollars per month; said deputy shall have the power, and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer, at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquest, and shall transcribe the same into longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month. The salaries of the deputies, clerk, and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the public administrator one deputy, at a salary of one hundred and fifty dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be, and there hereby is, allowed the superintendent of schools the following assistants and deputies, who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants, at a salary of one hundred and seventy-five dollars each per month; two deputies, at a salary of one hundred and twenty-five dollars each per month; two deputies, at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers, when appointed as in this title provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner, and at the same time, and out of the same fund as the salaries of county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly, and out of the same funds, and in the same manner, as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, one chief deputy, who shall be a licensed engineer, and fifteen deputies, who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy, at a salary of two hundred and fifty dollars per month; one deputy, at a salary of one hundred and fifty dollars per month; seven deputies, at a salary of one hundred and twenty-five dollars each per month; five deputies, at a salary of one hundred dollars each per month; two deputies, at a salary of ninety dollars each per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the county surveyor is paid.

14. Supervisors, two thousand four hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State Board of Equalization; *and provided further*, that there shall be and there hereby

is allowed to the said board of supervisors the following clerks: One clerk, who shall be auditor and accountant, at a salary of one hundred and fifty dollars per month; one clerk, who shall be in charge of miscellaneous records, equalization, and election matters, at a salary of one hundred and twenty-five dollars per month; one clerk, who shall be demand clerk, at a salary of one hundred and fifteen dollars per month; one clerk, who shall be stenographer and index clerk, at a salary of one hundred dollars per month; one clerk, as emergency clerk, at a salary of one hundred dollars per month; one clerk, who shall be superintendent of charities, at a salary of one hundred and twenty-five dollars per month; one clerk, at a salary of one hundred and ten dollars per month, and one clerk, at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk, who shall be stenographer for the department of charities, at a salary of eighty-five dollars per month; thirty clerks for a period not exceeding thirty days in any one year, at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the State, there shall be and hereby is allowed the said board of supervisors forty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county offices are paid; *and still further provided*, that from and after the first Monday after the first day of January, in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the State Board of Equalization. The salaries of the deputies, clerks, and employees herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the county officers are paid.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with the said report; *provided further*, that the board of supervisors of such counties in townships having a population of more than one hundred thousand shall provide each such justice with an office and the necessary furniture and supplies for the justices' court, and may in their discretion provide each such justice with the necessary law books. *And provided further*, that the boards of supervisors in such counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein, which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times, and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. *And provided further*, that in townships having a population of more than one hundred thousand, and less than three hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner, and out of the same fund, and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act. And all fees, together with all fines and penalties paid to such justice or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred

dollars per month for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that constables shall be allowed all necessary expenses actually incurred in pursuing, taking or arresting persons charged with crime or transporting such persons to or from the court or county jail; *and provided further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be, and there is hereby, allowed to each of the four constables of each township, one deputy, who shall be appointed by the constable, and shall receive a salary of one hundred dollars per month, payable in like manner, and at like times, and out of the same fund as the county officers are paid; said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto, said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

During second reading of bill, the following amendments were submitted by committee:

Strike out the word "section", in line 3, page 1, also the quotation marks in lines 3 and 16

Amendment adopted.

Also:

In line 7, page 1, strike out the words "the board may employ legal or other assistance", and insert in lieu thereof the words "may employ assistants".

Amendment adopted.

And:

In line 9, page 1, after the word "and" insert the following "may direct the assessor".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1230—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses and taking evidence by supervisors of a county when acting as a county board of equalization.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 3, strike out the word "section", also strike out the quotation marks in lines 3 and 7.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SENATE CONSTITUTIONAL AMENDMENT No. 50.

A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution.

The Legislature of the State of California, at its thirty-eighth session, commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby proposes that Section 7½ be added to Article 11 of the Constitution of the State of California, to read as follows:

Section 7½. Any county may form a county charter for its own government, consistent with and subject to the Constitution, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such county at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a county charter for such county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the chairman of the board of supervisors, and the other to the recorder of the county. Such proposed county charter shall then be published in two papers of general circulation in such county, or if there be but one such newspaper published therein then in one only, for at least twenty days, if published in a daily paper, or for three successive weeks if published in a weekly paper, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such county at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house it shall become the county charter of such county, and shall become the organic law thereof. A copy of such county charter certified by the chairman of the board of supervisors and authenticated by the seal of such county, if there be one, having annexed thereto a statement setting forth the submission of such charter to the electors, and its ratification by them shall, after the approval thereof by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office shall be deposited in the archives of the county, and thereafter all courts shall take judicial notice of such charter. The charter so ratified may be amended at intervals of not less than two years by proposals therefor submitted by the legislative authority of the county to the qualified electors thereof at a general or special election held at least forty days after the publication of such proposals for at least twenty days, if published in a daily newspaper, or for three successive weeks if published in a weekly paper, of general circulation in such county, and ratified by a majority of the electors voting thereon and approved by the Legislature as herein provided for the approval of the county charter. Whenever fifteen per cent of the qualified voters of the county shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval the legislative authority thereof must submit the same. In submitting any such charter or amendments thereto any alternative article or proposition may be presented for the choice of the voters and may be voted upon separately without prejudice to others.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment, the following amendment was substituted by committee:

In line 7, page 1, before the word "may" insert the following: "having less than twenty-five thousand population".

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Kennedy, Lewis, Martinelli, Miller, Price, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Welch, and Wright—28.

NOES—Senator Willis—1.

Senate Constitutional Amendment No. 50 ordered to print and engrossment.

Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, immediately after the enacting clause, insert the following:

"SECTION 1. Section 4281 of the Political Code of the State of California is hereby amended to read as follows:"

Amendment adopted:

And:

On page 1, line 1, of the printed bill, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

During second reading of bill, the following amendments were offered by Senator Thompson:

On page 3, line 82, of the printed bill, strike out the word "five", and insert in lieu thereof the word "one".

Amendment adopted.

Also:

On page 4, line 102, of the printed bill, after the word "dollars" insert the words "per annum".

Amendment adopted.

And:

On page 4, line 17, of the printed bill, strike out the figures "18", and insert in lieu thereof the following: "Sec. 2".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

During second reading of bill, the following amendments were submitted by committee:

In line 2 of the title, strike out the comma after the word "amend".

Amendment adopted.

Also:

On page 1 of the amended printed bill, strike out all of the lines 3 and 4.

Amendment adopted.

And:

On page 5, line 151, of the amended printed bill, insert at the beginning of said line the following: "SEC. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 3, of the printed amended bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

During second reading of bill, the following amendments were submitted by committee:

In line 5 of the title, after the word "officers", insert the words "in counties".

Amendment adopted.

Also:

On page 1, line 3, strike out the period following the letter "a", and insert in lieu thereof a comma and the following: "and to read as follows:".

Amendment adopted.

Also:

On page 1, line 8, strike out the word "four" preceding the word "thousand", and insert in lieu thereof the word "two".

Amendment adopted.

And:

On page 3, lines 87 and 88, of the engrossed bill, strike out the words "on the sixth day of November in each township", and insert in lieu thereof the following: "in each township at the general election next preceding".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, of the printed bill, immediately after the enacting clause insert the following:

SECTION 1. Section four thousand two hundred eighty-four of the Political Code of the State of California is hereby amended to read as follows:".

Amendment adopted.

And:

On page 1, line 1, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 15, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 2, line 28, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 2, line 40, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 2, line 47, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 3, line 63, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Also:

On page 3, line 91, strike out the word "eight", and insert in lieu thereof the word "five".

Amendment adopted.

Also:

On page 4, line 100, strike out the following: "two thousand seven hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat", and insert in lieu thereof the following: "such fees as are now or may hereafter be allowed by law."

Amendment adopted.

And:

On page 5, line 143, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Price:

Resolved, That the State Printer be, and he is hereby, instructed to print and deliver to the Sergeant-at-Arms of the Senate three copies of all chapters as printed

for the session of 1909, to be expressed or mailed to the members of the Senate at the close of the session.

Resolution read and adopted.

Also:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00 payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Kennedy:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$692.93, payable out of the contingent fund of the Senate, in payment of the following bills hereto attached:

Postal Telegraph	\$28 18
H. E. Sleeper	48 10
Smith Premier	48 00
George C. Bornemann Co.....	300 00
H. S. Crocker Co.....	268 65
Total	\$692 93

Resolution read, and referred to Committee on Contingent Expenses.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Senate Bill No. 917 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Sanford, Savage, Walker, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspensions of attorneys and counselors at law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 769 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Sanford, Savage, Strobridge, Walker, Weed, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Holohan, Kennedy, Lewis, Miller, Price, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—26.

NOES—Senators Curtin, Finn, Hare, Hartman, Hurd, Leavitt, Martinelli, Savage, and Weed—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Willis gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 249 was this day passed.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Cutten as a special committee of one, to amend as follows:

In Section 1, line 2, after the word "all" insert the following: "incorporated towns", and after the word "cities", in said line 2, insert the following: "cities and counties".

Also:

On page 5, Section 15, line 1, strike out the word "city", and insert in lieu thereof the following: "incorporated towns, incorporated city, or city and county".

Also:

On page 6, Section 17, line 5, after the word "town" insert the word "incorporated".

Also:

On page 8, Section 25, line 5, strike out the word "cities", and insert in lieu thereof the following: "incorporated towns, incorporated cities, or cities and counties".

Also:

On page 14, Section 45, line 15, strike out the word "city", and insert in lieu thereof the following: "incorporated town, incorporated city, or city and county".

Also:

On page 15, Section 49, line 4, before the letters "vided" insert the letters "pro".

Also:

On page 18, Section 64, line 4, strike out all after the word "occupancy", and all of line 5, and all up to and including the word "mortgage", on line 6 of said section.

Also:

On page 18, Section 64, line 6, strike out the period after the word "mortgage", and change the capital letter "N" to "n", in the word "No", on said line 6.

Also:

On page 18, Section 65, line 3, after the word "town" insert the following: "incorporated".

Also:

On page 18, Section 65, line 6, strike out the words "and the", and insert in lieu thereof the word "or".

Also:

On page 20, Section 70, line 12, strike out the words "grantor or".

Also:

On page 20, Section 71, line 2, strike out the word "may", and insert the word "shall".

Also:

On page 21, Section 73, line 1, strike out the word "city", and after the word "department", in said line 1, insert the following: "charged with the enforcement of this Act".

Also:

On page 21, Section 75, line 3, strike out the word "and", and insert in lieu thereof the word "or".

Also:

On page 21, Section 76, line 8, strike out the word "and", and insert in lieu thereof the word "or".

Also:

On page 22, Section 78, line 2, after the word "county" insert the following: "or city and county".

Also:

On page 22, Section 78, line 4, after the word "county" insert the words "or city and county".

Also:

On page 22, Section 79, lines 3 and 4, strike out the words "and water rates".

And:

On page 22, Section 80, line 1, strike out the word "cities", and insert in lieu thereof the following: "incorporated towns, incorporated cities, and cities and counties".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 525, with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTEN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1146 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Lewis, Martinelli, Miller, Price, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1179 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Martinelli, Miller, Price, Sanford, Strobbridge, Thompson, Walker, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 577—An Act to amend Section 135 of the Civil Code, relating to interlocutory divorce judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 577 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Martinelli, Miller, Sanford, Stetson, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Bill No. 55 be made a special order for Thursday, March 11, 1909, at eight o'clock P. M.
Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Committee Substitute for Senate Bill No. 1165—An Act concerning actions for divorce and annulment of marriage and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners, and removal of same.

Read third time.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and fifty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Committee Substitute for Senate Bill No. 1165—An Act concerning actions for divorce and annulment of marriage, and the trial and costs thereof; providing for the investigation and contest of such actions by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same.

Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1165 refused passage by the following vote:

AYES—Senators Bell, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Martinelli, Miller, Sanford, Stetson, Thompson, Walker, Welch, and Willis—16.

NOES—Senators Anthony, Bates, Bills, Birdsall, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Price, Rush, Savage, Strobbridge, Weed, Wolfe, and Wright—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1165 was this day refused passage.

ADJOURNMENT.

At ten o'clock and ten minutes p. m., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 9, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Stobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 8, 1909, the further reading was dispensed with, on motion of Senator Wright.

LEAVE OF ABSENCE.

Senator Holohan was, on motion of Senator Campbell, granted leave of absence for this day.

APPROVAL OF THE JOURNALS.

The Journals of Monday, February 22, Tuesday, February 23, Wednesday, February 24, Thursday, February 25, and Friday, February 26, 1909, having been corrected, were read and approved.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Cutten, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. J. W. Finney of Downieville, and D. J. Hall of Weaverville.

Also:

On request of Senator Cutten, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. H. H. Welsh, W. B. Robb, and L. P. St. Claire.

Also:

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Misses Maybelle M. Miller and Jewell M. Lynch of San Francisco.

Also:

On request of Senator Willis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Chas. H. Edwards of Weaverville, Cal.

Also:

On request of Senator Boynton, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Prof. Hopper and a delegation of students from the University of California.

Also:

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. M. C. Zumwalt of Tulare, California.

Also:

On request of Senator Willis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mrs. Senator Henry M. Willis and children.

PETITION.

The following petition was presented and ordered printed in the Journal:

By Senator Willis:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day:

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

Geo. G. Keyes, M. F. Beekley, Samuel Johnson, E. R. Hively, J. G. Staabe, and others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor.

Also: Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 294, 474, and 39 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 74—An Act to provide for a building, equipment, and furnishing of an armory

for the National Guard at the city of Los Angeles, and making an appropriation therefor.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 74 and 219 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional lands for the Whittier State School.

Also: Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Also: Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars (\$3,480.00) to be applied to the cost of grading, paving, guttering, curbing and sidewalk Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase a new kitchen range, steam-table and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Also: Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Also: Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Also: Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Also: Assembly Bill No. 783—An Act to appropriate \$3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Also: Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Also: Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Also: Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Also: Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Also: Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Also: Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Also: Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers, and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof;" also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

Also: Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor.

Also: Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Also: Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 54, 58, 101, 132, 207, 210, 211, 249, 595, 669, 701, 783, 962, 965, 968, 969, 970, 971, 972, 973, 1009, 1056, 1066, 1363, and 1408 ordered on file for second reading.

Senate Bill No. 490 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 392—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

WILLIS, Chairman.

Senate Bill No. 392 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 379—An Act to amend Sections 241 and 242 and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Also: Senate Bill No. 380—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code, and to amend Section 903 of the same Code, all relating to grand juries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WILLIS, Chairman.

Senate Bills Nos. 379 and 380 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 985 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 996—An Act to add a new section to the Penal Code, to be numbered four hundred and ninety-nine *c*, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner or the manager of any automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

Also: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Also: Senate Bill No. 1186—An Act to amend section eight hundred and sixty-nine of the Penal Code of the State of California.

Also: Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Also: Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 1186 and 1242 ordered on file for second reading.

Assembly Bills Nos. 996, 845, and 1154 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1202—An Act to amend Section 622*a* of the Political Code, relating to taxes on insurance premiums—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BATES, Chairman.

Senate Bill No. 1202 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 628—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of tuberculosis, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass, and be referred to the Committee on Finance.

ROSEBERRY, Chairman.

Senate Bill No. 628 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 275—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and

appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Committee on Finance, and that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 275 ordered referred to Committee on Finance.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and thirty minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 61, the same was taken up for consideration.

Assembly Bill No. 61—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Holohan as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the word "sixteen", and inserting in lieu thereof the word "fourteen".

Also:

By striking out of Section 1, line 19, the word "four", and inserting in lieu thereof the word "two".

And:

By striking out of Section 1, line 25, the word "four", and inserting in lieu thereof the word "two".

Amendments read, and ordered printed in the Journal on previous day.

Senator Campbell asked for, and was granted, unanimous consent to withdraw the above motion.

The question now being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 refused final passage by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Curtin, Estudillo, Finn, Hurd, Lewis, Martinelli, Price, Sanford, Stetson, and Thompson—17.

NOES—Senators Bills, Birdsall, Campbell, Cutten, Hare, Hartman, Kennedy, Leavitt, McCartney, Miller, Reily, Roseberry, Rush, Savage, Strobridge, Walker, Weed, Welch, Wolfe, and Wright—20.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Miller asked for, and was granted, permission to explain his vote as follows:

"MR. PRESIDENT: I voted 'No' on this bill because the majority of the San Francisco Delegation were opposed to it."

Also :

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 1, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the Constitution of the State of California:

First—There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies, except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

(b) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or association authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of

all other taxes and licenses, State, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided: *provided*, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, ~~doim~~, business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance company of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

(c) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank, which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. The tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rates as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(e) Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section, the taxes so paid for principal

and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(f) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, three-fourths of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for the reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only.

(g) No injunction shall ever issue in any suit, action, or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second—Section ten of article thirteen of said Constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, town or township, or district in which it is situated, in the manner prescribed by law.

Third—Section ten of article eleven of said Constitution is hereby repealed.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobebridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—33.

NOES—Senators Bell, Boynton, and Caminetti—3.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Willis that the Senate consider the question of substituting Senate Bill No. 294 for consideration in place of Senate Bill No. 27, the same was taken up for consideration.

MOTION.

Senator Wright moved that the Senate do now consider Senate Bill No. 294.

Senator Wolfe seconded the motion.

Senator Stetson moved to amend by substituting Senate Bill No. 27 in place of Senate Bill No. 274.

Senator Caminetti seconded the motion to amend.

The question being upon the motion to amend.

CALL OF THE SENATE.

During the discussion of the motion to amend, Senator Wright moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Weed, Welch, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and thirty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wright.

MOTION.

During the discussion of the motion to amend, the hour of recess having nearly arrived, Senator Wright moved that the further consideration of the question be continued immediately after recess.

Motion carried.

RECESS.

At twelve o'clock and thirty minutes P. M., the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Senator Willis, Assembly Bill No. 1261 was ordered withdrawn from Committee on Judiciary, and ordered on file for second reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 124—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Also: Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building

on the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Also: Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Also: Senate Bill No. 885—An Act to amend Section 1230 of the Political Code of the State of California, relating to grounds of challenge at elections.

Also: Senate Bill No. 1221—An Act to amend Sections "3493^m" and "3493ⁿ" of the Political Code, relating to the sale of lands uncovered by the recession or drainage of waters of inland lakes, or uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said section being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article IIa.

Also: Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilleries.

Also: Senate Bill No. 1088—An Act to amend section five and section ten of an Act entitled "to provide for the formation of protection districts in the various counties of the State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations.

Also: Senate Bill No. 1087—An Act to amend Section 4300^g of the Political Code of the State of California, relating to witness fees.

Also: Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

Also: Senate Bill No. 929—An Act to amend Section 411 of the Code of Civil Procedure of California, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in actions for divorce and annulment of marriage.

Also: Senate Bill No. 942—An Act to amend Section 69 of the Civil Code of the State of California and to add two new sections thereto, to be numbered Sections 69^a and 69^b, relating to the issuance of marriage licenses.

Also: Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

Also: Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Senate Bill No. 504—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reëquipping for the accommodation and treating of patients' buildings destroyed April 18, 1906: to appropriate the sum of two hundred thousand dollars therefor, to direct the manner of expenditure therefor, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Also: Senate Bill No. 790—An Act making an appropriation for the construction of one cottage for employees at the California Polytechnic School.

Also: Senate Bill No. 840—An Act to make additional appropriation for the continuation of the location, survey, and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also: Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations, counties, or cities and counties, in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one-hundredths dollars (\$6,527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 974—An Act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating ten thousand dollars therefor.

Also: Senate Bill No. 66—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant, for the purchase and installation in said building of a cold-storage and ice plant, for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of one convalescent cottage at the Stockton State Hospital Farm, and to make appropriations for the same.

Also: Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also: Senate Bill No. 788—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Also: Senate Bill No. 789—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Also: Senate Bill No. 278—An Act providing for the construction of a water and sewer system in California Redwood Park, and making an appropriation therefor.

Also: Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Also: Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eight session of the Legislature.

Also: Senate Bill No. 604—An Act to amend section five hundred fifteen of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction, and to fix their compensation.

Also: Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure of California, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Also: Senate Bill No. 325—An Act to amend section four hundred and eleven of the Code of Civil Procedure of the State of California, relative to the service of summons.

Also: Senate Bill No. 1211—An Act relative to estray, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Also: Committee Substitute for Senate Bill No. 359—An Act to authorize certain improvements upon the buildings, grounds, and streets adjacent to the grounds of the California Institution for the Deaf and Blind at Berkeley, and making an appropriation therefor.

Also: Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 1760 of the Political Code of the State of California, providing for and relating to support for high schools.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 43, 124, 126, 515, 885, 1221, 1061, 1088, 1087, 363, 929, 942, 467, 314, 295, 504, 795, 790, 840, 1190, 540, 974, 213, 66, 108, 447, 105, 787, 788, 789, 278, 776, 1077, 1215, 604, 928, 821, 325, 1211, 161, and Committee Substitutes for Senate Bills Nos. 10 and 359 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1115—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 1115 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 1254 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1245—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and commissions and reports of the Supreme and Appellate Courts.

Also: Assembly Bill No. 1261—An Act to amend Section 12 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

Have had the same under consideration, and respectfully report the same back, per instructions.

WILLIS, Chairman.

Senate Bill No. 1245 ordered on file for second reading.

Assembly Bill No. 1261 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Miller:

Resolved, That Senate Bills Nos. 1243, 1245, and 1246 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 1243—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1243 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Burnett, Caminetti, Campbell, Cartwright, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senate Bill No. 1245—An Act to amend Sections 409 and 410 of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and Commissions, and reports of the Supreme and Appellate Courts.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1245 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1246 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At two o'clock and ten minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SPECIAL ORDER SET.

Senator Campbell moved that the consideration of Senate Constitutional Amendment No. 4 be made a special order for Wednesday, March 10, 1909, immediately after the consideration of the special file of Assembly bills.

Motion carried.

CONSIDERATION OF PENDING MOTION—(RESUMED).

The question being upon Senator Stetson's motion to amend the motion by Senator Wright, to the effect that the Senate take up Senate Bill No. 27 for consideration, the discussion was continued.

MOTION.

Senator Leavitt moved that further debate on the pending question be limited to ten minutes for each speaker.

Motion carried.

CONSIDERATION OF PENDING MOTION—(RESUMED).

The question being upon the motion to amend.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Lewis, Miller, Sanford, Stetson, Strobridge, and Thompson—16.

NOES—Senators Anthony, Bates, Bills, Burnett, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

QUESTION OF PERSONAL PRIVILEGE.

Senator Roseberry asked for, and was granted, permission to have the following statement printed in the Journal as a question of personal privilege, in explanation of his absence during the preceding roll call.

STATEMENT.

While the discussion was pending on Senate Bills No. 27 and 294, and believing that the debate would last for at least ten minutes after my departure, I went to the Governor's office on important business and remained there not more than five minutes. I had made three previous visits to the Governor's office during the day, but had been unable to get an audience. When I returned I learned that the debate had suddenly been closed, the vote on the two bills taken, and Senate Bill No. 27 lost. As I had spoken in favor of Senate Bill No. 27 and intended to vote for the same, considering it the better of the two measures, I now desire to thus explain my absence when the said vote was being taken. I favor Senate Bill No. 27, and would have voted for the same had I not been unavoidably called out on official business.

LOUIS H. ROSEBERRY.

The question now being upon the original motion, viz. that the Senate take up Senate Bill No. 294 for consideration.

Motion carried.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 17, between line 10, of Section 34, and line 1, of Section 35, insert the following: "Sec. 34½. Any transportation company guilty of unjust discrimination, as defined in this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than five hundred dollars, and not more than five thousand dollars. Every officer and agent of any such company who shall violate, or

who procures, aids or abets any violation by such corporation of any of the provisions of Sections 33 and 34 of this Act shall be guilty of a misdemeanor".

Also:

On page 11, line 42, strike out the words "one year" before the word "from", and insert in lieu thereof the words "two years".

Amendments read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On page 19, of the printed bill, add a new section to be known and designated as "Section 39", and to read as follows: "No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State, and every transportation company issuing free passes or tickets at a discount in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars."

Also:

Renumber "Sec. 39" of the printed bill so as to read "Sec. 40".

Also:

Renumber all of the remaining sections in consecutive order, so that the last section of the printed bill, to wit: "Sec. 43", will read "Sec. 44".

Amendments read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40a and to read as follows:

SEC. 40a. The said commission is hereby authorized and directed when public interests require, to file petitions for investigations, or complaint or complaints, with the Interstate Commerce Commission, and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the terms of what is known as the Interstate Commerce Act, complaining of anything done, or omitted to be done by common carriers subject to the provisions of the Interstate Commerce Act. Said board is also hereby authorized and instructed to file petitions for investigations, or complaint, or complaints, and to commence such suit or suits, in tribunals, or courts of competent jurisdiction, complaining of the order, or orders, of any transcontinental railroad company, or other common carriers, either railroad or steamship, raising freight rates, or entering into contracts or combinations to raise, or maintain rates, or to take any action that will prevent competition, to and from, or to or from, California points to points in the United States outside of California. The Attorney General is hereby directed to represent said board and the people of the State of California, in any proceeding commenced under the provisions of this section."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40b, and to read as follows:

"SEC. 40b. The commission shall have power to investigate and ascertain as nearly as practicable the actual value of all property, real and personal, of every kind and character, of every railroad or transportation company under its jurisdiction doing business in the State of California, and also the amounts paid for salaries of officers and for wages of employees. The commission, for the purpose of carrying on the investigation provided for by this section, shall have power to employ experts and to secure the assistance of the Department of Engineering whenever necessary. The result of such investigation shall be reported to the Legislature at the beginning of each regular session, such valuations to show the value of the property of every railroad or other transportation company, as a whole, and also the value of its property in the State of California. Every such railroad shall furnish to such board from time to time, and as the board may require, maps, profiles, contracts, reports of engineers, and other documents, records, papers, or

copies of any or all of the same, in aid of such investigation and the determination of the value of the property of the said railroad or other transportation company, and every such railroad or other transportation company is required to cooperate with said board in the work of the valuation of its property in such further particulars and to such extent as the said board may direct."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40c, and to read as follows:

"SEC. 40c. The said commission is hereby empowered and directed to cooperate with the Interstate Commerce Commission in the investigation of discriminations in charges of facilities for transportation of passengers or freight made by any railroad or other transportation company, between places or persons, or in the facilities for the transportation of the same classes of passengers or freight within this State, or coming from or going to any other State, and to that end and for either of said purposes shall arrange for joint meetings with the Interstate Commerce Commission or any section thereof in the various commercial and industrial centers of this State."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40d, and to read as follows:

"SEC. 40d. The State Board of Railroad Commissioners shall meet and hold a session of such board for the purpose of investigating any discriminations, or any complaint of any citizen of this State, against any railroad or other transportation company at least once every six months, commencing May 1, 1909, at each of the following cities: San Francisco, Los Angeles, San Diego, Stockton, Sacramento, Oakland, Fresno, San Jose, Santa Barbara, Redding, Bakersfield, Marysville and Eureka, and at such other cities or towns in counties other than those in which the cities hereinabove named are respectively situated, when a petition for a meeting of such board is filed with the secretary thereof by ten shippers. Notice of such meetings shall be given by said board by advertising same for a period of one week in one or more newspapers published in the city and county of San Francisco, and for a like period in a daily newspaper in the county where any meeting is to be held if there be one published therein, if not, then for a period of two weeks in a weekly newspaper published therein. Such notice shall contain a request for the public interested in transportation matters to appear and present any complaints or file petitions for better facilities or for reduction of rates. At such meetings testimony may be taken in support of such complaint or petition. If demanded by any railroad or other transportation company, affected by such complaint or petition, the board may hear such testimony as such company may present; whereupon such board shall take such proceedings on such complaint or petition as may be authorized by the Constitution and laws of this State. The testimony taken at all hearings of such board authorized by the provisions of this Act shall be reduced to writing, and a copy of the same shall be reported to the Legislature at the beginning of each regular session thereof."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section, to be numbered 31a, and to read as follows:

"31a. The Railroad Commission shall investigate the cause of all accidents on any railroad within the State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier and railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad owned, operated, con-

trolled or leased by it in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier or railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one, to amend, as follows:

On page 16, after the end of Section 31, insert a new section, to be numbered 31b, to read as follows:

31b. A railroad corporation, upon the application of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railroad or private sidetrack owned, operated or controlled by such shipper, and shall, upon the application of any shipper, provide upon its own property a sidetrack and switch connection with its line of railroad, whenever such sidetrack and switch connection is reasonably practicable, can be put in with safety, and the business therefor is sufficient to justify the same. If any railroad corporation shall fail to install or operate any such switch connection with a lateral line of railroad or any such sidetrack and switch connection as aforesaid, after written application therefor has been made to it, any corporation or person interested may present the facts to the railroad commission by written petition, and the commission shall investigate the matter stated in such petition, and give such hearing thereon as it may deem necessary or proper. If the commission be of opinion that it is safe and practicable to have a connection, substantially as prayed for, established or maintained, and that the business to be done thereon justifies the construction and maintenance thereof, it shall make an order directing the construction and establishment thereof, specifying the reasonable compensation to be paid for the construction, establishment, and maintenance thereof, and may in like manner upon the application of the railroad corporation order the discontinuance of such switch connection.

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section to be numbered 31c, to read as follows:

"31c. No common carrier shall enter into or become a party to any combination, contract, agreement or understanding, written or oral, express or implied, to prevent by any arrangement or by change of arrangement of time schedule, by carriage in different cars or by any other means or device whatsoever the carriage of freight and property from being continuous from the place of shipment to the place of destination. No breakage of bulk, stoppage or interruption of carriage made by any common carrier shall prevent the carriage of freight and property from being treated as one continuous carriage from the place of shipment to the place of destination. Nor shall any such breakage of bulk, stoppage or interruption of carriage be made or permitted by any common carrier except it be done in good faith for a necessary purpose without intention to avoid or unnecessarily interrupt or delay the continuous carriage of such freight or property or to evade any of the provisions of law, of this Act or of any order of the railroad commission."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section to be numbered 31d, to read as follows:

"31d. No common carrier, subject to the provisions of this Act, shall charge or receive any greater compensation in the aggregate for the transportation of passengers or of a like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any such common carriers to charge and receive

as great a compensation for a shorter as for a longer distance or haul. Upon application of a common carrier the commission may by order authorize it to charge less for longer than for shorter distances for the transportation of passengers or property in special cases after investigation by the commission, but the order must specify and prescribe the extent to which the common carrier making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any common carrier be relieved from the operation and requirements of this section."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the words "the Board of Railroad Commissioners", and inserting in lieu thereof the following: "the Railroad Commission".

Amendment read, and ordered printed in the Journal.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and twenty minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SPECIAL ORDER SET.

Senator Wright moved that the consideration of the above amendments to Senate Bill No. 294 be made a special order for Wednesday, March 10, 1909, immediately after the consideration of the special order heretofore set for eleven o'clock A. M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Committee Substitute for Senate Bill No. 813—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section five thereof, by amending subdivisions one and three of said section five, and by adding a new subdivision to said section five thereof, to be numbered subdivision six, and by adding a new section thereto, to be numbered Section 8a.

Also: Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Also: Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Also: Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 1068, 1198, 1199, and Committee Substitute for Senate Bill No. 813 ordered on file for third reading.

Senate Constitutional Amendment No. 1 ordered on file.

MOTION TO RECONSIDER LOST.

In compliance with his notice, given on yesterday, Senator Willis moved that the vote whereby Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Finn, Hartman, Hurd, Leavitt, Lewis, Martinell, McCartney, Reily, Savage, Stetson, Weed, and Willis—12.

NOES—Senators Anthony Bates, Bell, Bills, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Holohan, Kennedy, Miller, Price, Roseberry, Sanford, Strobridge, Thompson, Walker, Welch, Wolfe, and Wright—24.

Senate Bill No. 249 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Curtin to reconsider vote whereby Senate Constitutional Amendment No. 14 was refused adoption, the same was taken up for consideration.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Curtin, Senator Stetson moved that the vote whereby Senate Constitutional Amendment No. 14—Relative to the formation of new counties, and cities and counties—was refused adoption, be now reconsidered.

Motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Anthony, Bates, Caminetti, Campbell, Cutten, Hartman, Holohan, Leavitt, Martinelli, McCartney, Miller, Reily, Stetson, and Walker—14.

NOES—Senators Bell, Black, Burnett, Cartwright, Curtin, Estudillo, Finn, Hare, Kennedy, Lewis, Price, Roseberry, Sanford, Savage, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—20.

LEAVES OF ABSENCE.

The members of the Committee on Finance were, on motion of Senator Leavitt, granted leave of absence until the evening session this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Curtin moved that the further consideration of Assembly Constitutional Amendment No. 14 be postponed, and made a special order for Wednesday, March 10, 1909, immediately after the consideration of the special order heretofore set, following the consideration of the special order set for eleven o'clock A. M.

Motion carried.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 843?"

After the word "employee", in line 1, Section 1, of the printed bill, insert the words "regularly employed".

Also:

After the word "employee", in line 2, Section 1, of the printed bill, insert the words "regularly employed".

And:

After the word "office", in line 3, Section 1, of the printed bill, insert the words "who shall have been employed for a period of not less than six months".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 843 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Burnett, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, Miller, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 843 ordered to enrollment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to have Assembly Bill No. 1152 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Walker moved to refer to Senator Black as a special committee of one to amend, as follows:

By striking out of Section 7, line 22, the words "veterinary dentist".

And:

Strike out in line 23 the words "horse dentist", and insert in line 38, after the word "animals", "or practicing veterinary dentistry".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1152, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEE (OUT OF ORDER).

The following reports of standing committee were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1076—Providing for separation of certain territory from cities of the fourth, fifth, and sixth classes—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bill No. 1076 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 431—An Act to amend section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1885, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 1194—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 431 and 1164 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 233—An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities."

Also: Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks and curbing within municipalities.

Also: Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858.

Have had the same under consideration, and respectfully report the same back, without recommendation.

SAVAGE, Chairman.

Assembly Bills Nos. 233, 301, and 315 ordered on file for second reading.

CONSIDERATION OF BILL (OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to have Senate Bill No. 464 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the

county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On line 3. of the title, after the words "San Diego of" insert the following: "harbor improvements consist of".

Also:

In line 8. of the title, insert after the words "one thousand" the words "five hundred".

Also:

On page 1, Section 1, line 4, of the printed bill, after the words "San Diego for" insert the following: "harbor improvements consist of".

Also:

On page 2, Section 1, line 13, of the printed bill, after the word "Section" strike out all the remainder of the paragraph, and insert in lieu thereof the following: "ten of this Act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value, at the office of the State Treasurer of said State, on the second day of July, nineteen hundred eighty-five, subject, however, to redemption by lot as in this Act hereinafter provided. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the Treasurer of the State on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this Act, and the State Treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this Act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the Treasurer of the State canceled and destroyed. All bonds issued pursuant to the provisions of this Act shall be signed by the Governor of this State, countersigned by the State Controller, and endorsed by the State Treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices."

Also:

On pages 2 and 3, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following: "Section 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the State Treasurer who shall be in office on the second day of July, nineteen hundred eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the State at the time of such sale."

Also:

On page 3, Section 4, lines 2, 3, 4, and 5, strike out the words "be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said State Treasurer shall be directed by the Governor of the State under the seal thereof, after", and insert in lieu thereof the following: "have been signed, countersigned and endorsed, as in Section 1 provided, the State Treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the Governor of the State shall direct, provided".

Also:

On page 3, Section 4, line 11, of the printed bill, strike out the semicolon after the word "receipts" and all the remainder of said line 11, and all of lines 12 to 22, inclusive, and the words "week prior to such sale", in line 23, and insert in lieu thereof the following: "Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said Board of Harbor Commissioners, shall be required at such time, and the Governor of the State shall direct the State Treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The State Treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The State Treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the State Treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The State Treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised."

Also:

On page 3, Section 3, line 1, of the printed bill, after the words "one thousand" insert the words "five hundred".

And:

On page 5, Section 5, line 27, of the printed bill, after the words "harbor commissioners" insert the words "of San Diego".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 464, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

PETITION—(OUT OF ORDER).

The following petition was presented, and ordered printed in the Journal:

By Senator Bills:

To the Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

R. J. Wicks, S. C. Morris, Geo. C. Rau, L. L. Hill, A. T. Schneider, and others.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to have Senate Bill No. 1152 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

By striking out of the title of the printed bill the words "dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California," and insert in lieu thereof the following: "To provide for the dedication to public use for street purposes of certain lands of the State Normal School at Los Angeles; to prescribe the conditions of such dedication; to authorize and empower the board of trustees of said State Normal School to convey said lands to the city of Los Angeles to public use for street purposes; and to authorize and empower said board of trustees to make certain changes, alterations, and repairs in the buildings and other improvements upon the lands of said State Normal School arising out of such dedication."

Also:

By striking out all of Section 1, of the printed bill, after the figure "1.", page 1, Section 1, line 1, and insert in lieu thereof the following: "The public interest and necessity require that Fifth street, a public street of the city of Los Angeles, be opened and widened from Grand avenue to Flower street, in said city, and for that purpose it is necessary that the real property hereinafter described, owned by the State of California, and being a portion of the lands of the State Normal School at said city of Los Angeles, be dedicated to public use for street purposes. Said real property is situate in said city, in the county of Los Angeles, State of California, and is more particularly described as follows: A strip of land of the uniform width of seventeen and one half (17½) feet, and being the northerly seventeen and one half (17½) feet of the State Normal School lands at Los Angeles, conveyed by Victor Beaudry to the State of California, by deed recorded in Book 80, page 45, of records of deeds, in the office of the county recorder of Los Angeles County."

Also:

By striking out all of Section 2, of the printed bill, after the figure "2.", page 1, Section 2, line 1, and insert in lieu thereof the following: "For the purpose of effecting the dedication of the lands described in section one of this Act to public use for street purposes, as in said section provided, the president and secretary of the board of trustees of the said State Normal School at Los Angeles, or any one or more of said trustees to be designated by said board, are hereby authorized and empowered to execute to the said city of Los Angeles, a municipal corporation of the State of California, for and on behalf and in the name of the State of California, a deed of conveyance, granting the real property described in section one of this Act to the said city of Los Angeles to public use for street purposes only; *provided, however*, that before the delivery of such deed, and in consideration therefor, the said city of Los Angeles shall pay, or cause to be paid, to said board of trustees, such an amount of money as will, in the judgment of said board of trustees, be sufficient to pay the cost of all such changes, alterations or repairs in the buildings of said normal school, or in other improvements upon said property, as the said board of trustees shall deem necessary, arising out of the dedication of said real property to public use for street purposes as herein provided. Said money so paid shall be **applied by said board of trustees as hereinafter provided.**"

And:

By striking out all of Section 3, of the printed bill, after the figure "3.", page 1, Section 3, line 1, and insert in lieu thereof the following: "The said board of trustees is hereby authorized, empowered and directed to place all moneys paid to said board, under the provisions of section two of this Act, in a special fund to be designated the 'normal school repair fund,' and to deposit the same in any licensed bank, or corporation, licensed and authorized to do a banking business, and organized under the laws of this State, and having its principal place of business at the said city of Los Angeles. Said board of trustees shall apply the moneys placed in said fund to the payment of the cost of making the changes, alterations or repairs mentioned in section two of this Act, and is hereby authorized, directed and empowered, upon the payment of said moneys, forthwith to cause such changes, alterations or repairs to be made and completed without unnecessary delay. The said board of trustees is hereby authorized, directed and empowered to employ a competent architect to provide plans, specifications and drawings for such changes, alterations or repairs, should they deem the same to be necessary, and to make and enter into any and all contracts required for constructing and completing such work, which said contract or contracts shall be let, to the highest responsible bidder, furnishing security satisfactory to said board, after advertisements for proposals, previously published for five days in a daily newspaper published and circulated in said city of Los Angeles, and designated by said board for that purpose; *provided, however*, that if said board shall deem it to be for the public interest, said board may, at its discretion, and without letting such contract or contracts, purchase such materials and supplies, and employ such laborers, workmen, or other persons as may be necessary for making and completing the changes, alterations or repairs herein mentioned.

Said board of trustees shall, from time to time, as presented, examine, audit, allow and pay all demands arising under this Act, for any payments on contracts, or for the purchase of materials or supplies, or for the employment of an architect, or mechanics, laborers, or other persons, and for any other expenses connected with or arising out of the work herein mentioned.

Any surplus remaining in said fund, after the payment of all demands for making and completing the said changes, alterations or repairs, shall be transferred, by said board, into the fund established by law, for the support and maintenance of said normal school."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1152, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hare asked for, and was granted, unanimous consent to have Assembly Bill No. 1034 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

By striking out of Section 1, line 6, the words "tumult".

Also:

On same line the words "breaches of the".

And:

By striking out of Section 1, line 7, the word "peace".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1034, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bates:

Resolved, That when the Senate adjourns on the afternoon of Wednesday, March 10, 1909, it adjourns to meet at ten o'clock A. M. Thursday, March 11, 1909.

Resolution read and adopted.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to take up Senate Bill No. 1102 for consideration out of order, for the purpose of amendment.

Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On page 1, Section 1, line 4, of the printed bill, strike out the word "the" before the word "title", and insert in lieu thereof the word "this".

Also:

On page 2, Section 1, line 48, of the printed bill, insert after the words "paid at the" the following: "same".

And:

On page 3, line 69, of the printed bill, strike out the word "the" at the end of the sentence, and insert in lieu thereof the following: "process issued by any court of the State; *provided further that the*".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1102, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, and reëngrossment.

Also:

Senator Martinelli asked for, and was granted, unanimous consent to have Assembly Bill No. 1112 taken up for consideration out of order.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Political Code, to be known as Title I thereof, relating to the government and management of State prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Bill read second time, and ordered on file for third reading.

Also:

Senator Estudillo asked for, and was granted, unanimous consent to have Assembly Bill No. 784 taken up for consideration out of order.

Assembly Bill No. 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Bill read second time, and ordered on file for third reading.

Also:

Senator Stetson asked for, and was granted, unanimous consent to have Senate Bill No. 1238 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widen-

ing, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 23, after the word "the" insert the following: "real".

Amendment adopted.

And:

On page 2, Section 1, lines 25 and 26, strike out the words "the property belonging to the municipality", and insert in lieu thereof the following: "any or all public property".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Also:

Senator Cutten asked for, and was granted, unanimous consent to have Senate Bill No. 1108 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Birdsall as a special committee of one to amend, as follows:

On page 2, Section 1, line 17, of printed bill, strike out period, and insert in lieu thereof a semicolon and the following words: "and there is hereby allowed to the assessor two deputies who shall be employed not to exceed four months in each year, and shall receive a salary of one hundred dollars per month each during the time so employed."

Also:

On page 2, Section 1, line 18, of printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "twenty-four".

And:

On page 2, Section 1, line 19, of printed bill, strike out the period, and insert in lieu thereof a semicolon and the following words: "and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of nine hundred dollars per annum."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1108, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Wolfe asked for, and was granted, unanimous consent to have Senate Bill No. 1242 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Welch, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 10, of the printed bill, strike out the figures "1901", and insert in lieu thereof the figures "1891".

Amendment adopted.

And:

On page 3, Section 12, line 58, of the printed bill, after the word "issued" add the following: "In the event that property upon which sanitary district taxes have become delinquent is, on account of such delinquency, sold by the tax collector, and a deed therefor is issued to any person other than the State of California, the party who was of record as the owner of such property at the time of such sale and of such issuance of such deed is hereby granted the right to redeem said property from the tax title purchaser thereof, at any time within a period of five years from and after the issuance of such deed, by the payment to the said tax title purchaser of the amount for which the said property was to him sold by the tax collector and an additional premium which shall not be greater than one hundred per cent of the said purchase price. It is hereby declared to be unlawful for any person or persons who have purchased at a delinquent tax sale any property which is sold for delinquent sanitary taxes, to demand for its redemption any sum greater than the amount which is by this Act specified; or to refuse to redeem any such property to the party who was the owner thereof at the time of such delinquent tax sale, when proper tender is made, within five years after date of such sale, of an amount which is not greater than the amount which is by this Act prohibited."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight, or cock fight is advertised or represented to take place, and to provide a punishment therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2, strike out the word "eighteen", and insert in lieu thereof the following: "sixteen".

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 364—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners', approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board,' approved March 26, 1895, approved March 23, 1901,' approved March 18, 1905."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, of the printed bill, strike out the word "and", and in lieu thereof insert the word "or".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, line 3, of the printed bill as amended, strike out the word "make", and insert in lieu thereof the word "order".

Amendment adopted.

Also:

On page 3, Section 3, line 11, of the printed bill as amended, after the word "thereof", insert the following: "sufficient to identify the same".

Amendment adopted.

Also:

On page 3, Section 3, line 17, of the printed bill as amended, after the "(.)" insert the following: "Any protest not complying with the foregoing requirements shall not be considered by said city council."

Amendment adopted.

Also:

On page 3, Section 3, line 31, of the printed bill as amended, strike out the word "such," and insert in lieu thereof the words "the same".

Amendment adopted.

Also:

On page 3, Section 3, line 44, of the printed bill as amended, after the word "place", insert the following: "or portion thereof".

Amendment adopted.

Also:

On page 4, Section 3, of the printed bill as amended, strike out all of line 59, and insert in lieu thereof the following: "to such block where such change or modification of grade is proposed to be made on each side thereof, has already been established, or if the proposed change or modification of grade".

Amendment adopted.

Also:

On page 4, Section 3, of the printed bill as amended, line 63, strike out the word "thereto", and insert in lieu thereof the words "to such block".

Amendment adopted.

Also:

On page 4, Section 3, line 65, of the printed bill as amended, strike out the words "after such time is so fixed", and insert in lieu thereof the following: "after the meeting of the council at which such time is so fixed".

Amendment adopted.

Also:

On page 5, Section 4, of the printed bill as amended, line 6, strike out the word "it", and insert in lieu thereof the words "the city council".

Amendment adopted.

Also:

On page 5, Section 5, line 3, of the printed bill as amended, after the word "protest", insert the words "or petition".

Amendment adopted.

Also:

On page 5, Section 5, line 19, of the printed bill as amended, strike out the word "owner", and insert in lieu thereof the word "owners".

Amendment adopted.

Also:

On page 5, Section 5, line 20, of the printed bill as amended, strike out the word "that", and insert in lieu thereof the word "the".

Amendment adopted.

Also:

On page 5, Section 5, line 21, of the printed bill as amended, after the word "thereof" insert the following: "where such change or modification of grade is proposed to be made".

Amendment adopted.

Also:

On page 5, Section 5, line 23, of the printed bill as amended, strike out the word "Nothing", and insert in lieu thereof the following: "If the grade of any public street, lane, alley, court, or other place, or portion thereof, has been heretofore, or shall be hereafter changed or modified, nothing".

Amendment adopted.

Also:

On page 6, Section 6, line 14, of the printed bill as amended, after the word "or" insert the word "no".

Amendment adopted.

Also:

On page 6, Section 5, line 25, of the printed bill as amended, after the word "any" insert the word "such".

Amendment adopted.

And:

On pages 6 and 7 strike out all of Section 7 of the printed bill as amended, and insert in lieu thereof the following:

"Sec. 7. This Act shall in nowise affect an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885, or amendments thereto, or an Act entitled 'An Act to amend an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said Act relative to changing grades,' approved March 31, 1891, or amendments thereto, or any Acts on the same subject; but is intended to and does provide an alternate system of proceedings for changing or modifying the grades of public streets, lanes, alleys, courts, or other places in municipalities; and it shall be within the discretion of the city council of any municipality to proceed in making any such change or modification of grade, either under the provisions of this Act, or under

the provisions of said Acts hereinbefore mentioned, or amendments thereto; but when any proceedings are commenced under this Act, the provisions of this Act, and of such amendments thereto as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said Acts, or in any Acts in conflict with the provisions hereof, shall be void and of no effect as to the proceedings commenced under the provisions of this Act. The election of the city council to proceed under the provisions of this Act shall be expressed in its ordinance of intention to order any change or modification of grade. The provisions of this Act shall be liberally construed to promote the objects thereof. This Act may be designated and referred to as the "Change of Grade Act of 1909."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

SENATOR WRIGHT IN THE CHAIR.

At four o'clock and fifty minutes P. M., Senator Wright, of the Fortieth District, in the chair.

SECOND READING OF ASSEMBLY BILLS OUT OF ORDER.--(RESUMED).

Assembly Bill No. 754—An Act to create a State Board of Accountancy and prescribing its duties and power.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out everything after the words "An Act", and inserting in lieu thereof the following: "To amend section two of an Act entitled 'An Act to create a State Board of Accountancy, and to prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof,' approved March 23, 1901, and to add a new section thereto to be numbered Sec. 3½, relating to registration of certificates issued in other states."

Amendment adopted.

Also:

Strike out all of section one after the figure "1", and insert in lieu thereof the following: "Section two of an Act entitled 'An Act to create a State Board of Accountancy and to prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof,' is hereby amended so as to read as follows:

SEC. 2. The State Board of Accountancy shall have its office in the city and county of San Francisco, and its powers shall be as follows:

1. To formulate rules for the government of the board, and fixing the standard of qualifications as to education and experience in accounting, and for the examination of applicants and the granting of certificates to persons qualifying therefor;

2. To hold written examinations of applicants for such certificates, at least semi-annually, at such places as circumstances and applications may warrant;

3. To grant certificates of qualification to such applicants as may, upon examination, be found qualified in 'theory of accounts,' 'practical accounting,' 'auditing,' and portion thereof shall ever be paid from the State treasury;

4. To charge and collect from all applicants such fee, not exceeding twenty-five dollars, as may be necessary to meet the expenses of examination, issuance of certificates and conducting its office; *provided*, that all such expenses, including not exceeding ten dollars per day for each member while attending the sessions of the board or conducting examinations, must be paid from the current receipts, and no portion thereof shall ever be paid from the State treasury;

5. To require the annual renewal of all such certificates, and to collect therefor a renewal fee of not exceeding two dollars;

6. To revoke for cause any such certificate, after written notice to the holder, and a hearing being had thereon; *provided*, that such revocation must receive the affirmative vote of at least four members of the board;

7. To report annually to the Governor, on or before the first day of December, all such certificates issued or renewed, together with a statement of receipts and disbursements; *provided*, that any balance remaining in excess of the expenses incurred may be retained by the board and used in defraying the future expenses thereof."

Amendment adopted.

Also:

Strike out all of sections two, three, and four, and insert in lieu thereof the following:

"Sec. 2. A new section is hereby added to said Act, to be numbered Sec. 3½, and to read as follows:

"Sec. 3½. The State Board of Accountancy may in its discretion, under regulation provided by its rules, register the certificate of any certified public accountant who is the lawful holder of a certificate of certified public accountant, issued under the law of another state, and may issue to such certified public accountant a certificate of registration, which certificate shall entitle the holder to practice as such certified public accountant in this State, and use the abbreviation of C. P. A. All certificates of registration must be renewed annually; shall pay such fees as the rules provide, not to exceed those provided in section two; and be subject to cancellation for cause the same as other certificates."

Amendement adopted.

And:

Strike out all of sections five and six, and insert in lieu thereof the following:

"Sec. 3. This Act shall take effect and be in force from and after its passage."

Amendement adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, strike out the word "section" before the number "1636".

Amendment adopted.

And:

On page 3, Section 2, line 1, after the word "effect" strike out the remainder of the section, and insert in lieu thereof the words "July first, 1909."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 196—An Act to provide county library systems.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to traveling expenses of county, and city and county, superintendents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act" and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city and town, at any and all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools in the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the words "such officers or employees as may be", and insert in lieu thereof the following: "an examining staff and other employees".

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "same", insert the following:

"Whenever practicable the examining staff for health and development supervision in the public schools of the State shall consist of both educators and physicians."

Amendment adopted.

Also:

On pages 1 and 2 strike out all of Section 2, and all of lines 1 to 10 inclusive of Section 3, and insert in lieu thereof the following:

"SEC. 2. The purposes of health and development supervision in the public schools of the State are hereby defined as follows: To secure the correction of developmental and acquired defects of both pupils and teachers which interfere with health, growth and efficiency, by complete physical examination. Said examinations shall occur annually, or as often as may be determined by the board of school trustees or city board of education."

Amendment adopted.

Also:

On page 2, Section 3, strike out lines 16 to 20 inclusive, and insert in lieu thereof the following:

"SEC. 3. The requirements for certification of members of the examining staff for health and development supervision in the public schools of the State shall be as follows:

For educators. A life diploma of California of the high school or grammar school grade, and a health and development certificate which shall authorize the holder of such certificate to conduct the work authorized by this Act in those grades specified by the life diploma held.

For physicians. A California certificate to practice medicine and surgery and a health and development certificate.

SEC. 4. County or city and county boards of education are hereby authorized to grant health and development certificates to holders of life diplomas of California of the high school or grammar school grade, or to holders of California certificates to practice medicine and surgery, who shall present with such life diplomas or with such certificates to practice medicine and surgery a recommendation from the State Board of Education certifying special fitness for the work specified in this Act."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the words "One hundred", and insert in lieu thereof the following: "Eighty-five".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587d, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 690—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve (and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907), as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to have Senate Bill No. 566 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered Section 15a, Section 15b, and Section 15c, respectively, all relating to commitments to or paroles and discharges from said school.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 566.

An Act to amend Sections 18 and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor", approved March 11, 1889, and as amended by Act approved February 11, 1893, all relating to commitments to, or paroles and discharges from, said school.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That Section 18 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor", approved March 11, 1889, and as amended by Act approved February 27, 1893, is amended to read as follows:

Section 18. There shall be established in said school a system of marking and grading upon merit or attainments in school, and shop, and general conduct, by which the boy committed under this Act may work out his way to parole and honorable discharge. When in the opinion of the superintendent a boy, by the regulations estab-

lished for that purpose, has earned the right to a parole, he shall cause to be obtained a reputable home or place of employment where said boy may be employed and earn a living by honorable labor, and then shall recommend said boy to the board for parole, and if the board is satisfied that it is for the welfare of such boy to be paroled, it shall grant such parole under such conditions as it may deem best, which shall be continued until such boy has proved his ability for honorable self-support when he shall, upon the recommendation of the superintendent, be honorably discharged. Any boy who, while on parole, violates the conditions of the parole may be returned to said school.

SEC. 2. Section 19 of said Act is hereby amended to read as follows:

Section 19. Any boy committed to said school who, after due trial, is found to be, in the opinion of the superintendent, incapable of reformation or so morally deficient or incorrigible as to render his retention detrimental to the interests of said school, or when it is ascertained by good and sufficient evidence that said boy has misrepresented his age to the court who sentenced him, or has been previously convicted of a felony, he may recommend such boy to the board for return to the said court, and if the board is satisfied that it is for the best interests of the school that such boy be returned, it shall so cause him to be returned to the said court, and it shall be lawful for said court to annul and set aside the previous commitment to said Preston School of Industry, and resume proceedings where the same were suspended when such commitment was made.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Also:

Senator Martinelli asked for, and was granted, unanimous consent to have Senate Bill No. 1177 taken up for consideration out of order.

Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

Bill read second time, and ordered on file for third reading.

UNFINISHED BUSINESS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any water belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Willis as a special committee of one to amend, as follows:

On page 2, Section 1, line 14, of the printed bill, as amended in Senate February 5, 1909, strike out the word "ther-to", and insert in lieu thereof the word "thereto."

And:

On page 2, of printed bill, as amended in Senate February 5, 1909, strike out all of Section 3, and insert in lieu thereof the following:

"Sec. 3. When any selection of the right of way or land for such water works or adjuncts thereto is made by any municipal corporation, the legislative authority thereof must transmit to the Surveyor General, Controller of the State, and county recorder of the county in which the lands are situated, a plat of the land so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the plat be approved by the Surveyor General, he must so endorse the same, and issue to the municipal corporation a permit to use such right of way and lands. Such permit shall be recorded in the office of the recorder of the county in which the right of way and land are situated, and within thirty days thereafter, any party interested may present a petition to a court of competent jurisdiction, for a review of the action of the Surveyor General in granting such

permit. In the event that no such petition be presented, or if, having been so presented, such review is denied, such permit shall become final; if, upon the presentation of any such petition, a review is had and such use prohibited, such permit shall be canceled and annulled."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 422, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS. Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Willis as a special committee of one to amend, as follows:

On page 2, Section 1, of the printed bill, as amended in Senate, February 5, 1909, in line 22, after the word "purposes" strike out the period and all the remainder of said section after said period, and insert in lieu thereof the following: "*provided, however, that any municipal corporation desiring to take any such waters for the purposes specified in this Act, must, within one year after this Act takes effect, commence the construction of said water works, and the legislative authority thereof must also, within six months after the Act takes effect, cause a notice, signed in its corporate name by its mayor or other executive officer, to be recorded in the office of the county recorder of any county in which such stream or lake is situated, stating that said municipal corporation has the right to take, for said purposes, all waters belonging to the State, not otherwise disposed of, or a specified portion of such waters to the extent of (giving the number) inches measured under a four-inch pressure, now or hereafter flowing or existing in any such stream or lake; and that the construction of said water works must be prosecuted diligently to completion, unless temporarily interrupted by any unavoidable or extraordinary emergency; and that if any such waters be not taken within three years after the completion of said water works, the right of said municipal corporation to take the same, under the provisions of this Act, shall cease; and provided further, that for the purpose of the taking of said waters by any municipal corporation, under the provisions of this Act, the words "water works" as used herein shall be construed to be the main works by which such municipal corporation proposes to convey said waters to the place of intended use and store the same, exclusive of works for taking said waters from such stream or lake and conducting the same to the main works by which they are to be so conveyed and stored, and also exclusive of any system of works for the distribution to consumers or to the inhabitants of such municipal corporation of said waters so conveyed and stored.*"

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

On page 2, Section 1, of the printed bill, as amended, strike out all the remainder of said section after the period following the word "purposes", in line 22, and insert in lieu thereof the following: "Whenever any municipal corporation shall desire to take any of the said waters so belonging to the State, for the purposes mentioned in this Act, the legislative authority thereof shall cause a notice that said municipal corporation intends to take such waters to be posted and recorded in the manner provided in Section 1415 of the Civil Code of California. Said notice shall be signed in the corporate name of such municipal corporation, by its mayor, or other officer, authorized so to do by the legislative authority thereof. In taking any of said waters, under this Act, such municipal corporation shall comply with and be subject to all the provisions of Title VIII, Sections 1410 to 1422, inclusive, of said Civil Code; *provided, however, that for the purpose of the taking of any of said waters by such municipal corporation, under the provisions of this Act, the words "water works," as used herein, shall be construed to be the works by which such municipal corporation proposes to convey said waters, so taken from such stream or lake, to the place of intended use and store the same; and provided further, that the construction of said water works shall be deemed to be included in,*

and to be a part of the construction of the works in which said municipal corporation intends to divert said waters, within the meaning of Section 1416 of the said Civil Code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 422, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

COMMUNICATION.

The following communication was presented by the President of the Senate:

WHEREAS, The viticultural interests of this State rank as the fourth largest industry therein created; and

WHEREAS, Table grapes, raisins, and wine can be produced as cheaply, in as large quantity, and of the best quality on lands unsuitable for any other purposes; and

WHEREAS, Large tracts of such lands, heretofore assessed at a nominal figure of \$1.25 per acre, are now planted to vines which have increased the assessed valuation from this insignificant sum to \$100.00 and more per acre, thus bringing a largely increased revenue to the State; and

WHEREAS, There are now over 250,000 acres in vines in this State, most of said acres being practically useless for other purposes; and

WHEREAS, Efforts are now being made to create a sentiment, which, if allowed to go unchecked, would result in the depreciation of the value of the properties already improved, and practically wipe out the result of years of labor, and the investment of nearly \$125,000,000, and work a great injury to the people of the State of California; now, therefore, be it

Resolved, By this, the State Board of Agriculture, that we strongly recommend encouragement of the viticultural industry in this State, and that we look with positive disfavor upon the enactment of any legislation, either by the Federal Government or State Legislature, or by any counties of this State, that would discourage this most important industry, which is destined, if encouraged and fostered, to be the greatest industry of the State; and further be it

Resolved, That the secretary of this board be instructed to transmit copies of these resolutions to the honorable, the President of the Senate of the Legislature of this State, and the honorable, the Speaker of the Assembly of the Legislature of this State, with the request that earnest consideration be given thereto by the members of the Legislature of this State.

CALIFORNIA STATE BOARD OF AGRICULTURE.

H. A. JASTRO, President.

Attest:

J. A. FILCHER, Secretary.

Communication read and ordered printed in the Journal.

• PRIVILEGE OF FLOOR OF SENATE EXTENDED. •

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Linsy E. Sismore, Fort Klamath, Oregon.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wright:

WHEREAS, An Act of Congress entitled "An Act for the admission of California into the Union," approved September 9, 1850, among other things provides "that all the navigable waters within the State shall be common highways and forever free as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost or duty therefor"; and

WHEREAS, An attempt was made many years ago to convey to private ownership certain lands within the jurisdiction of this State and lying below the ordinary high tide line, in violation of the letter and spirit of the said Act admitting the State of California into the Union; and

WHEREAS, Certain lands of great value lying below the ordinary high tide line and within the bays of San Francisco, Vallejo, Eureka, San Pedro, and San Diego are now held in alleged private ownership adversely to the State; now, therefore, be it

Resolved, That the Senate of the State of California respectfully calls the attention of the Governor and the Attorney General to the conditions above recited, to the end that they may take such legal steps as will protect and preserve the interest of the State of California in all tide lands lying within the harbors of this State.

Resolution read, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 9, 1909

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the State Printer be, and he is hereby, instructed to print and deliver to the Sergeant-at-Arms of the Senate three copies of all chapters as printed for the session of 1909, to be expressed or mailed to the members of the Senate at the close of the session.

Also:

Resolved, That the Controller of the State be, and he is hereby, authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$100.00 payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by Press Mailing Clerks.

And:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$692.93, payable out of the contingent fund of the Senate, in payment of the following bills hereto attached:

Postal Telegraph	\$28 18
H. E. Sleeper	48 10
Smith Premier	48 00
George C. Bornemann Co.	300 00
H. S. Crocker Co.	268 65
Total	\$692 93

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Burnett, Caminetti, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Rush, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER—(RESUMED).

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and

government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes." approved March 31, 1897, by amending Section 47 thereof—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WALKER, Chairman.

Assembly Bill No. 742 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 730—An Act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 730 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Senate Bill No. 560 ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator McCartney:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed after final adjournment, a final calendar of the legislative business of the thirty-eighth session, comprising the history of all bills introduced, their authors, the number that became laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business, together with this shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book but as a guide for the thirty-ninth session of the Legislature.

When said calendar is finally prepared the Secretary of the Senate is directed to mail or express one copy of said calendar to each member of the Senate. For the purpose of carrying out the purpose of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$750.00, the same payable out of the contingent fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to have Assembly Bill No. 1034 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof.

Read third time previously this day.

MOTION TO RECONSIDER CARRIED.

Senator Caminetti moved that the vote whereby the following motion to refer to special committee of one—Senator Hare moved to refer to Senator Caminetti, as a special committee of one to amend, as follows: By striking out of Section 1, line 6, the word "tumult"; also, on same

line, the words "breaches of the peace"; and, by striking out of Section 1, line 7, the word "peace"—was this day carried, be now reconsidered.

The motion was duly seconded and carried.

The question now being upon the motion to refer.

Senator Hare asked for, and was granted, unanimous consent to withdraw the motion to refer.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hare moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

By striking out of Section 1, lines 6 and 7, the words "breaches of the peace".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1034, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Chairman.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 917 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Cartwright, Estudillo, Finn, Hare, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1211—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1211 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, McCartney, Miller, Rush, Strobridge, Thompson, Weed, and Wright—21.

NOES—Senators Price, Savage, Stetson, and Walker—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Birdsall gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No 1211 was this day passed.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 885 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Lewis, Martinelli, Miller, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the "Mount Pleasant Ranch" on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 840 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Holohan, Hurd, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Senate Bill No. 1195 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402e, relating to the carrying or transporting by common carriers of certain explosives.

On motion of Senator Caminetti, Senate Bill No. 743 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 10—An Act relating to high schools and providing for their support by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 10 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 12.

WHEREAS, A. C. Irwin, Theodore Summerland, and H. D. Loveland are the duly qualified and acting Railroad Commissioners of the State of California, constituting the State Board of Railroad Commissioners, as created by section twenty-two, article twelve, of the Constitution of the State of California; and,

WHEREAS, It is provided in said section twenty-two of article twelve of the Constitution that the Legislature shall have power, by a two-thirds vote of all the

members elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty, or corruption, or incompetency; and.

WHEREAS, The said Railroad Commissioners, and each of them, as above named, have been guilty of dereliction of duty and incompetency in the discharge of the duties of the said office of Railroad Commissioner in that they, and each of them, has utterly failed and neglected to establish rates of charges for the transportation of passengers and freight by railroad and other transportation companies, and to publish the same from time to time; and have utterly failed and neglected to examine the books, records and papers of all railroad and other transportation companies, to hear and determine complaints against railroad and other transportation companies, to enforce their decisions and correct abuses through the medium of the courts; and have utterly failed and neglected to prescribe a uniform system of accounts to be kept by all such corporations and companies; and have failed and neglected to report to the Governor, annually, their proceedings and such other facts as may be deemed important; and have utterly failed and neglected to take the proper and necessary proceedings to prevent discrimination in charges and facilities for transportation by railroad and other transportation companies between places and persons and in the facilities for the transportation of the same classes of freight passengers within this State or coming from or going to any other State; and have utterly failed and neglected to provide that persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing, all as provided in and commanded by the Constitution and statutes of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That the said A. C. Irwin, Theodore Summerland, and H. D. Loveland, Railroad Commissioners as aforesaid, be and they are hereby removed from said offices of Railroad Commissioners, and the said offices are hereby, each and every one of them, declared to be and they are vacant.

Senate concurrent resolution read.

During the reading of Senate concurrent resolution, the following amendments were offered by Senator Caminetti:

On page 1, first "Whereas", line 1, strike out the comma (,) after the name Irwin, and insert the word "and".

Also:

On same page, same "Whereas", lines 1 and 2, strike out the words and name following: "and H. D. Loveland".

Also:

On same page, and "Whereas", in line 2, strike out the word "the".

Also:

On same page and "Whereas", line 3, strike out the words: "Constituting the State", and insert in lieu thereof the following: "and members of the".

Also:

On page 2, in resolution, on line 46, strike out comma (,) after the word "Irwin", and insert the word "and".

And:

On page 2, in resolution, on line 47, strike out the words and name following: "and H. D. Loveland".

Amendments read and adopted.

Senate Concurrent Resolution No. 12 ordered to print, and engrossment.

SENATE JOINT RESOLUTION No. 19.

Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

WHEREAS, The manufacture of lumber has become one of the leading industries of the State of California, giving direct employment to over 30,000 laboring men and adding each year to the output of the State 1,500,000,000 feet of lumber, valued at over \$23,000,000 at the place of production, all of which must be loaded on train or boat for shipment to the markets of the world, thus making business for and providing revenues to the great transportation companies which are developing the resources of a State which is a veritable empire in territory and natural wealth;

WHEREAS, The plants of the lumber manufacturers which are scattered throughout Northern California, in the valuable redwood belt which covers the hills of the coast counties and in the great pine forests which spread over the slopes of the Sierras, make up in value a great part of the taxable property of State and county and produce revenues for governmental purposes which can not be derived from other sources:

WHEREAS, There are vast and practically inexhaustible forests of pine waiting to be cut in British Columbia and other provinces of the Dominion of Canada,

where the price of stumpage is at a minimum, and the price of labor due to cheap labor competition and the decreased cost of living is far below the scale of wages paid to the American logger and millhand;

WHEREAS, Lumber manufactured in California and the great producing states of Oregon and Washington can not successfully compete with lumber coming from without the United States where the cost of production has been materially decreased;

WHEREAS, We view with alarm any reduction by Congress from the present tariff on lumber imported into the United States, believing that any such reduction will injuriously affect the condition of employer and employee alike and seriously hamper an industry, the successful carrying on of which means so much to the prosperity of a State renowned for its great natural wealth; be it

Resolved by the Senate and Assembly, jointly. That we respectfully urge the Congress of the United States to maintain without reduction the present tariff on lumber imported into the United States from any foreign country; be it further

Resolved, That our Senators in Congress be instructed, and our representatives requested, to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the Governor of California be, and he is, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Cutten, Estudillo, Finn, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Joint Resolution No. 19 ordered to engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 430—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SAVAGE, Chairman.

Assembly Bill No. 430 ordered on file for second reading.

MEMBERS' SPECIAL URGENCY FILE (RESUMED).

Senate Bill No. 722—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

On motion of Senator Estudillo, Senate Bill No. 722 was temporarily passed on file, to retain its place.

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Read third time.

On motion of Senator Welch, Senate Bill No. 913 was temporarily passed on file, to retain its place.

Senate Bill No. 1088—An Act to amend Section 5 and Section 10 of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the pre-

vention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1088 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Caminetti, Campbell, Cartwright, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Savage, Stetson, Strobbridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1154 and substitute therefor on file Assembly Bill No. 1261.

Senate Bill No. 1154 withdrawn, and ordered stricken from the file, and Assembly Bill No. 1261 substituted therefor on file.

Assembly Bill No. 1261—An Act to amend section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts of cities of the first and one-half class.

Bill read second time, and ordered on file for third reading.

Also:

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1083 and substitute therefor on file Assembly Bill No. 1254.

Senate Bill No. 1083 withdrawn and ordered stricken from the file, and Assembly Bill No. 1254 substituted therefor on file.

Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 103—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases *ex officio* officers of cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 103 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cartwright, Finn, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reilly, Rush, Sanford, Walker, Weed, Willis, and Wright—22.

NOES—Senators Savage, Stetson, and Strobridge—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387—An Act to provide for the continuation of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Cartwright, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 446.—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers, and necessary tools and machinery.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate bill No. 446 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 997 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 756—An Act to amend Section 751 of the Political Code, relating to deputies to the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 756 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as Truckee Pass, to the west end of Donner Lake, in Nevada County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 finally passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Savage, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

On motion of Senator Thompson, Senate Bill No. 802 was ordered placed at the foot of the third-reading file.

MEMBERS' SPECIAL URGENCY FILE (RESUMED).

Assembly Bill No. 1114—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1114 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1228 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Campbell, Curtin, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 996—An Act to amend Section 3076 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 996 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Campbell, Cartwright, Curtin, Cullen, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and thirty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Willis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1233, and substitute therefor on file Assembly Bill No. 430.

Senate Bill No. 1233 withdrawn and ordered stricken from the file, and Assembly Bill No. 430 substituted therefor on file.

MEMBERS' SPECIAL URGENCY FILE (RESUMED).

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to have Senate Bill No. 314 taken up for consideration, out of order.

Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto, relating to the duties and compensation of official reporters, to be known as subdivision 17 of said section.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF CODE BILLS.

On motion of Senator Leavitt, the Special File of Code Bills was taken up for consideration.

Senate Bill No. 605—An Act to amend sections twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1120—An Act to amend Section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the word "as", and insert in lieu thereof the word "has".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

During second reading of bill, the following amendments were submitted by committee:

Strike out of the title the word "twenty-two", and insert in lieu thereof the word "forty-two".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the figures "422", and insert in lieu thereof the figures "442".

Amendment adopted.

Also:

On page 1, Section 1, line 10, insert after the word "as" the word "to".

Amendment adopted.

And:

On page 1, Section 1, line 13, insert after the word "them" the word "in".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the period, and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 1, Section 1, line 10, strike out the period, and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

Strike out all of section two.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the words in italics.

Amendment adopted.

Also:

On page 1, Section 1, line 4, insert after the word "some" the word "of".

Amendment adopted.

Also:

On page 2, Section 1, line 42, strike out the word "a" before the word "like".

Amendment adopted.

And:

On page 2, Section 1, line 42, strike out the word "judge", and insert in lieu thereof the word "justice".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing the methods of tracing the same.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike the word "section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

During second reading of bill, the following amendment was submitted by committee.

Insert before the word "Section", on line 1, the following: "Section 1."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, insert after the word "him" the word "is".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Sec." and the period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 861—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Sec." and the period.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 1281 taken up for consideration out of order.

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Bill read second time, and ordered on file for third reading.

Also:

Senator Miller asked for, and was granted, unanimous consent to have Assembly Bill No. 1158 taken up for consideration out of order.

Assembly Bill No. 1158—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Bill read second time, and ordered on file for third reading.

Also:

Senator Price asked for, and was granted, unanimous consent to have Assembly Bill No. 151 taken up for consideration, out of order.

Assembly Bill No. 151—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 finally passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hare, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Welch asked for, and was granted, unanimous consent to have Senate Bill No. 998 taken up for consideration, out of order.

Senate Bill No. 998—An Act to provide for the incorporation, organization and management of municipal water districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 998 passed by the following vote:

AYES—Senators Anthony, Bates, Black, Caminetti, Cartwright, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wilfis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Weed asked for, and was granted, unanimous consent to have Assembly Bill No. 1007 taken up for consideration out of order.

Assembly Bill No. 1007—An Act to amend Section 4251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 finally passed by the following vote:

AYES—Senators Anthony, Bates, Black, Caminetti, Cartwright, Curtin, Estudillo, Hare, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Wright asked for, and was granted, unanimous consent to have Senate Bill No. 816 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

By striking out of Section 1, line 5, the word "eight", and inserting in lieu thereof the following: "ten".

And:

Strike out on page 2, Section 1, line 23, the word "eight", and insert in lieu thereof the word "ten".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 816, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Leavitt asked for, and was granted, unanimous consent to have Assembly Bill No. 699 taken up for consideration, out of order, for the purpose of amendment.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Wolfe as a special committee of one to amend, as follows:

By striking out of Section 2, lines 4 to 9, the words: "He may also appoint an additional stenographer to serve during and immediately preceding and following the regular sessions of the Legislature, at a salary of one hundred and twenty-five dollars per month, for a period not to exceed five months for any one session of the Legislature.

And:

In line 11, Section 2, strike out of the word "stenographers" the last letter, "s".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 699, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Assembly Bill No. 699.

Also:

Senator Curtin asked for, and was granted, unanimous consent to have Committee Substitute for Senate Bill No. 813 taken up for consideration out of order.

Committee Substitute for Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 813 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Caminetti, Cartwright, Curtin, Etudillo, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Sanford asked for, and was granted, unanimous consent to have Assembly Bill No. 1119 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Curtin as a special committee of one to amend, as follows:

On page 1, line 1, insert before the word "all" the following: "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1119, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Willis asked for, and was granted, unanimous consent to have Senate Bill No. 1241 taken up out of order, for the purpose of amendment.

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 2, strike out Section 2.

Amendment adopted.

And:

On page 2, line 28, after the period insert the following: "*Provided, nothing herein contained shall in any way affect the right of any person to purchase any tide land where, prior to the passage hereof, such person had sought to purchase the same and it had been held by any court of competent jurisdiction that such person was entitled to purchase the land so sought to be purchased; provided further, that such judgment has, or shall hereafter, become final.*"

Nothing in this section shall be construed as a recognition that prior to the passage hereof the tide lands by this section withheld from sale have been offered for sale by the State.

SEC. 2. This Act shall take effect and be in force immediately from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Also:

Senator Cartwright asked for, and was granted, unanimous consent to have Senate Bill No. 1138 taken up for consideration out of order.

Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1138 passed by the following vote:

AYES—Senators Anthony, Bills, Black, Caminetti, Cartwright, Curtin, Estudillo, Hare, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bill No. 135—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Senate Bill No. 135 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS OUT OF ORDER—(RESUMED).

Senator Wright asked for, and was granted, unanimous consent to have Senate Bill No. 467 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Welch as a special committee of one to amend, as follows:

Strike out everything after the word "provided", in line 19, and all of lines 20, 21, 22, 23, 24, and 25 of Section 1, on page 2, of the printed bill, and insert in lieu thereof, the following: "That this Act, and the Acts so amended, shall not have the effect of making illegal or void any franchise heretofore granted by any municipality having a freeholders' charter, but all such franchises, together with franchises granted under this Act and the Acts of which it is amendatory, are hereby declared to be legal and valid; *provided* that all franchises hereafter granted shall be granted pursuant to general laws and not otherwise."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 467, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELCH, Committee.

Report of special committee of one, and amendment adopted.

Bill ordered to print and reëngrossment.

Also :

Senator Hartman asked for, and was granted, unanimous consent to have Senate Bill No. 589 taken up for consideration out of order.

Senate Bill No. 589—An Act authorizing the payment of pensions by the State of California to certain fathers and mothers, being citizens of the United States and residents of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 589 refused passage by the following vote :

AYES—Senators Anthony, Bell, Black, Caminetti, Finn, Hare, Hartman, Kennedy, Rush, Savage, Walker, Weed, Welch, and Wolfe—14.

NOES—Senators Campbell, Cartwright, Curtin, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Thompson, Willis, and Wright—15.

Also :

Senator Anthony asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 48 taken up for consideration out of order.

SENATE CONSTITUTIONAL AMENDMENT NO. 48.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to section eleven thereof a new section, to be known as section twelve and one half, relating to county support of indigent veteran soldiers, sailors and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one fifth of a mill therefor.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that article eleven of the Constitution of the State of California be amended by adding thereto a new section to be numbered twelve and one half, and to read as follows :

SECTION 1. For the relief of indigent and suffering soldiers, sailors and marines who served either in the war of the rebellion, or in the war with Mexico, or in any of the Indian wars in the United States, or in the Spanish-American war, or in the Philippine insurrection, and their families, and the families of said deceased soldiers, sailors and marines needing assistance in any city, or town in this State, the board of supervisors of the county in which said city or town is situated may provide such sum or sums of money as may be necessary, to be drawn upon by the commander or quartermaster of the society of Mexican War Veterans, or of any post of the Grand Army of the Republic, or camp of the United Spanish War Veterans, in said city or town upon recommendation of the relief committee of said post or camp; *provided*, said soldier, sailor, or marine, or said families of those deceased, shall have been residents of the State of California for at least two years prior thereto; and the orders of said commander and quartermaster shall be the proper voucher for the expenditure of said sum or sums of money.

SEC. 2. If there be no post of the Grand Army of the Republic or camp of the United Spanish War Veterans in any county in which it is necessary that such relief, as provided for in Section 1 hereof, should be granted, the board of supervisors of another county may accept and pay the orders drawn, as hereinbefore provided, by the commander and quartermaster of a post or camp in the county in which relief is extended.

SEC. 3. If there be no post of the Grand Army of the Republic, or camp of the United Spanish War Veterans in any county in which it is necessary that such relief veterans and such families, as hereinbefore provided, before the acts of said commander and quartermaster may become operative in any city, town or county, said commander and quartermaster shall file with the county auditor of such county notice that such post or camp intends to undertake such relief, as is provided herein. Such notice shall contain the names of the relief committee of said post or camp in such city or county, and of the commander and other officers of said post or camp, and the commander of said post or camp shall semiannually thereafter file a similar notice with said county auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each from the relief committee upon whose recommendations the orders were drawn.

SEC. 4. The county supervisors may require of the commander and quartermaster of any post of the Grand Army of the Republic, or camp of the United Spanish War

Veterans, undertaking to distribute such relief, a bond sufficient and satisfactory as surety for the faithful and honest discharge of such relief.

SEC. 5. County supervisors are hereby prohibited from sending indigent Union of Spanish-American war soldiers, sailors or marines (or their families, or the families of the deceased) of the classes of persons mentioned in Section 1 hereof, to any almshouse, or orphanage, without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic or camp of the United Spanish War Veterans, having jurisdiction as provided in Sections 1 and 2 hereof. Indigent veterans with families, and the families of deceased veterans, shall, whenever practicable, be provided for and relieved at their homes in such city, town or county in which they shall have a residence in the manner provided in Sections 1 and 2 hereof. Indigent or disabled veterans of the classes specified in Section 1 hereof, who are not insane, and have no families or friends with whom they may be domiciled, may be sent to any soldiers' home.

SEC. 6. It shall be the duty of the board of county supervisors in each of the counties of the State of California to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, or marine, who served in the army or the navy or the marine corps of the United States during the late rebellion, or in the war with Mexico, or in any of the Indian wars, or the Spanish-American war and the Philippine insurrection, and the wives or widows of said sailors, soldiers, or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not in any case, exceed the sum of sixty dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses, not to exceed the sum of sixty dollars, shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section, and proof of expense incurred.

SEC. 7. The boards of county supervisors of the several counties in the State of California shall levy in addition to the taxes now levied by law, a tax not greater than one fifth of one mill, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, sailors, and marines who served in the War of the Rebellion, in the war with Mexico, or in any of the Indian wars in the United States, or the Spanish-American war, or the Philippine insurrection, and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors, and marines, and who shall thereby be disbarred from any other similar relief by such board of county supervisors.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Anthony moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Black, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and seventeen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Anthony.

The roll of absentees was called.

Whereupon the President announced that Senate Constitutional Amendment No. 48 was refused adoption by the following vote:

AYES—Senators Bell, Black, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—23.

NOES—Senators Anthony, Leavitt, Price, Thompson, and Willis—5.

NOTICE OF MOTION TO RECONSIDER.

Senator Anthony gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 48 was this day refused adoption.

MOTION.

On motion of Senator Caminetti, Senate Bill No. 743 was ordered placed at the foot of the third-reading file.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Senator Thompson asked for, and was granted, unanimous consent to have Senate Bill No. 344 taken up out of order.

Senate Bill No. 344—An Act to amend Sections 1 and 3 of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 344 passed by the following vote:

AYES—Senators Anthony, Bell, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Hurd, Lewis, Martinelli, McCartney, Price, Rush, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NONE—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Estudillo asked for, and was granted, unanimous consent to have Senate Bill No. 725 taken up for consideration out of order.

Senate Bill No. 725—An Act to amend section one of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Anthony, Bell, Cartwright, Curtin, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Welch asked for, and was granted, unanimous consent to have Assembly Bill No. 193 taken up for consideration out of order.

Assembly Bill No. 193—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 403 $\frac{3}{4}$, relating to and furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 finally passed by the following vote.

AYES—Senators Anthony, Bell, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Hurd, Lewis, Martinelli, McCartney, Rush, Sanford, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 108 taken up for consideration out of order.

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Anthony, Bell, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Martinelli, McCartney, Price, Rush, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Hurd asked for, and was granted, unanimous consent to have Senate Bill No. 1174 taken up for consideration out of order.

Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Anthony, Bell, Caminetti, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Lewis, Martinelli, McCartney, Price, Rush, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator McCartney.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 1174 was passed by the following vote:

AYES—Senators Anthony, Bell, Caminetti, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Lewis, Martinelli, McCartney, Price, Rush, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—21

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Senator Willis, the President pro tem., declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 10, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 9, 1909, the further reading was dispensed with, on motion of Senator Willis.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Chas. E. Snook.

Also:

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Francis Cunningham of Hanford.

Also:

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Frank J. Brandon of San Jose, Henry Ward Brown of Colma, David Starr Jordan of Palo Alto, and R. L. Green of Stanford University.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced and report that the same has been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bill No. 1177 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 1445 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly amendments to Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 559 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and a state inspector of plumbing, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 639 read first time, and ordered referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Also: Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Also: Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be number four thousand two hundred and forty three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Also: Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property therefor; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Also: Senate Bill No. 954—An Act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in Justices' Court.

Also: Senate Bill No. 983—An Act validating bonds heretofore voted and issued by joint union high school districts.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Bill No. 1265—An Act to amend section four hundred and fifty-seven of the Political Code.

Also: Adopted Senate Concurrent Resolution No. 11—Relative to the appointment of President Lincoln Monument Commission.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 115, 320, 364, 558, 685, 717, 832, 936, 954, 983, 1002, 1042, 1075, and Senate Concurrent Resolution No. 11 ordered to enrollment.

Assembly Bill No. 1265 read first time, and ordered referred to Committee on Finance.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At ten o'clock and fifteen minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 10, 1909.

I have the honor to return herewith Senate Bill No. 217, entitled "An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or incumbrances," without my approval, for the following reasons:

Under this Act whenever a decree involving real estate has been recorded in any book other than the one designated by law, the same shall hereafter impart to subsequent purchasers, mortgagers, mortgagees, etc., the like notice that would have been imparted had such instrument been correctly recorded.

I am free to admit that it is unfortunate that one should suffer through the faults or ignorance of the recorder. In my opinion, however, this is not the proper method of righting this error. This instrument is improperly recorded. It is hidden away in the wrong book of record. It can not be found by following the ordinary avenues of search. Yet it is designed that this instrument thus concealed shall convey the same notice that is given by a proper record. Legislation can not make right that which is wrong so long as the error continues.

The result desired could have been accomplished by directing the record to be transferred into the proper book. This course would cause the expense of transferring the record to fall upon the present recorder, but this objection could easily be avoided by providing that the board of supervisors should employ competent clerical help for this purpose. At the very least, it should be required that all instruments improperly recorded should be reindexed in the proper index book before they shall impart notice.

J. N. GILLET, Governor.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 217 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bell, Black, Caminetti, Campbell, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Strobbridge, Walker, Weed, Willis, Wolfe, and Wright—23.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 10, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved:

Senate Bill No. 752—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 564—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 565—An Act fixing, establishing, and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

Also: Senate Bill No. 272—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lechner against the State of California.

Also: Senate Bill No. 104—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

Also: Senate Bill No. 88—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 531—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 655—An Act to amend Sections 3197, 3198, and 3199 of the Political Code of the State of California, relating to trade-marks.

Also: Senate Bill No. 47—An Act providing for the sanitation of food-producing establishments, places where food is stored, prepared, kept, or manufactured, and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons, and things; declaring places and things in violation of this Act to be nuisances dangerous to health, and providing for the abatement of the same; making violations of this Act misdemeanors; and providing for the punishment of the same.

Also: Senate Bill No. 678—An Act amending sections four, ten, and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor." (Approved March 19, 1907.)

Also: Senate Bill No. 524—An Act to provide for public cemetery districts.

Also: Senate Bill No. 323—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc.

Also: Senate Bill No. 495—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees, and mileage of officers and jurors in counties of the the eleventh class.

Also: Senate Bill No. 649—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to the county boards of horticulture.

Also: Senate Bill No. 735—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.

Also: Senate Bill No. 450—An Act to amend Section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class.

Also: Senate Bill No. 694—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

Also: Senate Bill No. 328—An Act to provide for work upon and the construction of sidewalks and curbing within municipalities.

Also: Senate Bill No. 354—An Act to amend Section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

Also: Senate Bill No. 192—An Act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this Act, and other Acts relating to employment agents and employment agencies.

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section six hundred twenty-five of said Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 195—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903.

Also: Senate Bill No. 235—An Act to appropriate money for repainting of the State Normal School at San Francisco, and for laying a concrete sidewalk along the property of said school.

Also: Senate Bill No. 243—An Act to add a new section to the Political Code, to be numbered forty-two hundred and twenty-one a, relating to the law library fund.

Also: Senate Bill No. 632—An Act to amend an Act entitled "An Act regulating employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 39—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 712—An Act making an appropriation to pay for furnishing, painting, repairing, renovating, and improving the Governor's residence.

Also: Senate Bill No. 21—An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for,

or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts.

Also: Senate Bill No. 482—An Act to amend sections one, two, and three of an Act entitled "An Act to provide for the formation, organization and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

Also: Senate Bill No. 228—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.

Also: Senate Bill No. 453—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

J. N. GILLETT, Governor.

Message read, and ordered printed in the Journal.

PETITIONS—(OUT OF ORDER).

The following petitions were presented, and ordered printed in the Journal:

By Senator Anthony:

To His Excellency, the Governor of the State of California, and the Senate and the Assembly of the State of California:

WHEREAS, The attention of the civic organizations of San Francisco has been called to the necessity for more troops to man the coast fortifications by a communication issued by the Assistant Secretary of War on the subject; and

WHEREAS, The only available source for additional troops is the National Guard, owing to a lack of legislation and lack of appropriations necessary to increase the regular force; and

WHEREAS, The fortifications of primary consideration are in and about the bay of San Francisco, and the necessary National Guard troops can not be enlisted and mustered in in the said city of San Francisco, and the said organization of troops maintained without an appropriate armory within which to quarter the said troops: and

WHEREAS, An appropriation for the purpose of erecting such an armory may not secure the approval of the Legislature and the Governor, owing to the numerous other appropriations already sanctioned by the present Legislature; and

WHEREAS, There remains unexpended the sum of four hundred and twenty-six thousand dollars, more or less, of an appropriation heretofore made for the purpose of purchasing a site and erecting thereon a State building in San Francisco; and

WHEREAS, While recognizing the necessity of a State building which should eventually be built in San Francisco, it is evident that an armory for the purposes of the National Guard of California is of more immediate importance: now, therefore, be it

Resolved by the civic and commercial organizations of San Francisco, in meeting assembled, That the Senate and Assembly be petitioned to enact and the Governor to approve of necessary legislation diverting the said balance remaining in the appropriation for the erection of a State building in San Francisco to the purpose of purchasing a site and erecting thereon an armory for the National Guard of California in San Francisco.

(Signed) EDWARD R. TAYLOR,
Mayor of San Francisco.

CHAMBER OF COMMERCE OF SAN FRANCISCO,

(Signed) By JAMES McNAB, President.

(SEAL)

C. W. BURKS, Secretary.

SAN FRANCISCO REAL ESTATE BOARD,

(Signed) By SAMUEL G. BUCKBEE, President.

LESLIE E. BURKS, Secretary.

CIVIC LEAGUE OF SAN FRANCISCO,

(Signed) By A. W. SCOTT, JR., President.

MERCHANTS' EXCHANGE.

(Signed) By JAMES ROLPH, JR., President.

(SEAL)

T. C. FRIEDLANDER, Secretary.

MANUFACTURERS' AND PRODUCERS ASSOCIATION
OF CALIFORNIA,

(Signed) By A. SEARBORO, President.

T. A. RICHMOND, Secretary.

MERCHANTS' ASSOCIATION,

(Signed) By ANDREW M. DAVIS, President.

L. M. KING, Secretary.

COMMONWEALTH CLUB OF CALIFORNIA,

(Signed) By EDWARD F. ADAMS, President.

(SEAL)

BEVERLY L. HODGHEAD, Secretary.

Also:

By Senator Price:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

L. W. Trumbull, Henry Nauert, J. L. Winans, E. S. Haskins, L. J. Winans, and others.

And:

By Senator Cutten:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and
WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

W. F. Griffin, G. W. Howe, J. C. Gibson, J. N. Ward, H. A. Phillips, and others.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$641.90 be paid out of the contingent fund of the Senate to Senator W. F. Price, Chairman of the Special Investigating Committee, appointed to visit the different institutions of the State calling for appropriations, and the Controller is directed to draw his warrant for the same, and the Treasurer ordered to pay said warrant.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted as amended, making the amount \$671.90.

WOLFE, Chairman.

Report and resolution, as amended, read.

The question being upon the adoption of the report and resolution, as amended.

The roll was called, and the report and resolution, as amended, adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Burnett, Cutten, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Also:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1445—Making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Assembly Bill No. 1445 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bill No. 1445 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first and second times.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Hurd, Leavitt, Lewis, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

During second reading of bill, the following amendments were offered:

Amend Section 1, page 3, line 83, by striking out the words "filing clerk", and inserting in lieu thereof the word "messenger".

Amendment adopted.

Also:

On page 4, Section 1, lines 114 and 115, strike out the words "four thousand eight", and insert in lieu thereof the words "five thousand four".

Amendment adopted.

Also:

Section 1, page 12, line 387, strike out the word "ten", and insert in lieu thereof the word "twelve".

Amendment adopted.

Also:

Section 1, page 13, line 422, amend by adding after the word "dollars" the following: "exempt from section four of this Act".

Amendment adopted.

Also:

Section 1, page 16, line 531, strike out the word "four", and insert in lieu thereof the word "eight".

Amendment adopted.

Also:

Section 1, page 17, line 4, in the middle of the page, after the word "dollars" add the following: "provided, that not less than thirty thousand dollars shall be expended in making a practical and scientific examination of the mineral districts of California, including the oil districts, and the development, production, resources, methods of working and future possibilities of the mining and oil industries of California. Such examination to be made by competent experts experienced in California mining, and assistants, all of whom shall be appointed and their compensation fixed by the Governor."

Amendment adopted.

Also:

Amend Section 1, page 24, line 3, on the second line 3, after the word "Davis", by striking out the words "twenty-five thousand", and inserting in lieu thereof the words "forty-four thousand five hundred".

Amendment adopted.

Also:

Amend Section 1, page 24, second line 6, by striking out the word "twenty-three", and inserting in lieu thereof the word "forty".

Amendment adopted.

And:

Section 1, page 18, line 25, strike out the words "Home for Feeble-Minded Children", and insert in lieu thereof the words "Sonoma State Home".

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1445.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Assembly Bill No. 1445 be made a special order for Thursday, March 11, 1909, at eleven o'clock A. M.

Motion carried.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wright, the following messages from the Assembly were taken up and read, out of order:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 17—Relative to the Alaska-Yukon-Pacific Exposition.

Also: Passed Assembly Bill No. 811—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Concurrent Resolution No. 17 ordered referred to Committee on Contingent Expenses.

Assembly Bill No. 811 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend sections three hundred and fifty-three, fourteen hundred and twenty-five, and fourteen hundred and twenty-seven of the Political Code, all relating to Regents of the University of California.

Also: Assembly Bill No. 83—An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health, providing for the appointment of a director thereof and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto; and repealing an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis, for the use of the State Board of Health, providing for the appointment of a director thereof and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905.

Also: Assembly Bill No. 212—An Act providing for the enlarging and reroofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

Also: Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 215—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Also: Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "the congregate dining-room," and to make appropriation for the same.

Also: Assembly Bill No. 735—An Act to amend Section 1576a of the Political Code of the State of California, relating to clerks of school districts.

Also: Assembly Bill No. 785—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor, approved March 21, 1907.

Also: Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66 read first time, and ordered referred to Committee on Education.

Assembly Bills Nos. 83, 212, 214, 215, 216, 735, 785, and 1142 read first time.

Assembly Bills Nos. 83, 212, 214, 215, and 216 ordered referred to Committee on Finance.

Assembly Bill No. 735 ordered referred to Committee on Education.

• Assembly Bill No. 785 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1142 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 577—An Act to amend section one hundred and thirty-one of the Civil Code, relating to interlocutory divorce judgments.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, providing that any principal, teacher, employee or school officer of any elementary or secondary school who refuses to use the text-books prescribed by the proper authority for use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 956?"

Strike out of line 5, page 1, of printed bill, the words "neglects or".

Also:

Strike out of line 8, page 1, of printed bill, the words "advises, or urges, or".

Also:

Insert on line 8, in the word "purchase" the letter "c", making the word spell "purchase"; also, on same line, strike out the word "or" before the word "who".

Also:

Insert on line 9, page 1, of printed bill, after the word "schools" the following: "or who refuses or willfully neglects to make such reports as are required by law,".

Also:

Strike out of line 11, page 1, of printed bill, the words "less than twenty-five dollars nor".

Also:

Strike out of line 12 the comma after the word "dollars", and insert a period in lieu thereof.

Also:

Strike out of lines 12, 13, and 14, page 1, of printed bill, the following words: "or to imprisonment in a county jail for not more than sixty days: or to both such fine and imprisonment."

And:

Strike out of lines 3 and 4 of title the words "relating to the use of text-books in the public schools", and insert in lieu thereof the following: "providing that any principal, teacher, employee or school officer of any elementary or secondary school who refuses to use the text-books prescribed by the proper authority for the use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 956 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, McCartney, Price, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 956 ordered to enrollment.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 86—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it be withdrawn.

LEAVITT, Chairman.

Senate Bill No. 86 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Price asked for, and was granted, unanimous consent to withdraw Senate Bill No. 86.

Senate Bill No. 86—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Senate Bill No. 86 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—OUT OF ORDER—RESUMED.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the

Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with committee substitute, with the recommendation that the committee substitute do pass.

LEAVITT, Chairman.

Senate Bill No. 214 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Also: Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Also: Senate Bill No. 1171—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Also: Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Assembly Bill No. 749—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 1240, 1065, and 1171 ordered on file for second reading.

Assembly Bills Nos. 127, 130, 1063, and 749 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish—the same was taken up for consideration.

On motion of Senator Leavitt, Assembly Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Curtin, Senate Bill No. 1194 was ordered withdrawn from the file, and ordered re-referred to Committee on Education.

Also:

On motion of Senator Curtin, Senate Bill No. 266 was ordered withdrawn from the file, and ordered re-referred to Committee on Irrigation.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 758—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Curtin, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1013—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1013 passed by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Curtin, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 6—Relative to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws, and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature.

SPECIAL ORDER SET.

Senator Black moved that the further consideration of Senate Constitutional Amendment No. 6 be made a special order for Thursday, March 11, 1909, immediately after the consideration of the special order heretofore set.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 458—An Act to provide for the levy and collection of tax on income.

On motion of Senator Sanford, Senate Bill No. 458 was temporarily passed on file, to retain its place.

Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Senate Bill No. 515 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 776—An Act to repeal an Act entitled “An Act to encourage and provide for a general vaccination in the State of California,” approved February 20, 1889 (Statutes of 1889, page 32).

Senate Bill No. 776 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

On motion of Senator Wright, Senate Bill No. 295 was temporarily passed on file, to retain its place.

Senate Bill No. 751—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in the Justices’ Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 refused passage by the following vote:

AYES—Senators Black, Finn, and Savage—3.

NOES—Senators Anthony, Bates, Bell, Birdsall, Curtin, Estudillo, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Stetson, Walker, Weed, Willis, and Wright—20.

Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Senate Bill No. 1196 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued.

Senate Bill No. 1197 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1077 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Curtin, Finn, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature.

Read third time.

On motion of Senator Caminetti, Senate Bill No. 1215 was temporarily passed on file, to retain its place.

Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 844 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Finn, Hartman, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 978 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cutton, Kennedy, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1221—An Act to amend Sections 3493*m* and 3493*n* of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article II*a*.

Senate Bill No. 1221 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Curtin, Finn, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 944—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof,

in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of country roads and public highways within boulevard districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 994 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Finn, Hartman, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1061 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Cutten, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor—the same was taken up for consideration.

SPECIAL ORDER SET.

Senator Wright moved that the consideration of Senate Bill No. 294 be made a special order for this day, immediately after the consideration of the special order heretofore set following the consideration of the file of Assembly bills.

Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

Senate Bill No. 1087 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1232 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Cutten, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages on salaries by employees.

On motion of Senator Hartman, Senate Bill No. 1043 was temporarily passed on file, to retain its place.

Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Senate Bill No. 363 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28¹2, relating to maintenance of protection districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1131 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1091 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Finn, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1139—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1139 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Caminetti, Curtin, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 928 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Curtin, Estudillo, Hare, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Bell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 929—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage.

Senate Bill No. 929 withdrawn, and ordered stricken from the file.

Senate Bill No. 942—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto, to be numbered Sections 69a and 69b, relating to the issuance of marriage licenses.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

By striking out of Section 1, line 40 to line 46 inclusive, page 2, of printed bill.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 942 refused passage by the following vote:

AYES—Senators Bell, Black, Curtin, Estudillo, Martinelli, McCartney, Roseberry, Stetson, Thompson, Walker, and Willis—11.

NOES—Senators Anthony, Bates, Bills, Birdsall, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Miller, Reily, Sanford, Savage, Strobridge, Weed, Welch, Wolfe, and Wright—21.

Senate Bill No. 672—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 672 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1156—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1156 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Senate Bill No. 1155 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.

On motion of Senator Black, Senate Bill No. 736 was temporarily passed on file, to retain its place.

Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 821 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Curtin, Cutten, Hare, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to have Senate Bill No. 1221 taken up for consideration out of order.

Senate Bill No. 1221—An Act to amend Sections 3493_m and 3493_n of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article IIa.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1221 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1221 was this day passed.

SPECIAL ORDER SET.

Senator Miller moved that the consideration of Assembly Bill No. 733 be made special order for to-day at two o'clock P. M.

Motion carried.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MOTION.

Senator Boynton moved that hereafter debate on questions under consideration be limited to ten minutes for each speaker.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for. and was granted. unanimous consent to have Senate Bill No. 1196 taken up for consideration out of order.

Senate Bill No. 1196—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1196 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Curtin, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Boynton asked for. and was granted. unanimous consent to have Senate Bill No. 1197 taken up for consideration out of order.

Senate Bill No. 1197—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1197 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reilly, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 14—Proposed amendment to Article I of the Constitution, relating to the right of the people to fish—the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Boynton moved that the consideration of Assembly Constitutional Amendment No. 14 be made a special order for Friday, March 12, 1909, at twelve o'clock M.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new

Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters, and the selection and appointment of a registrar of voters in counties of the fifth class, and prescribing his powers, duties and compensation—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Committee Substitute for Assembly Bill No. 7 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Also: Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Also: Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Assembly Bills Nos. 709, 1092, and 1237 ordered on file for second reading.

RECESS.

At twelve o'clock and twenty-six minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Miller, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Charles King of Hanford, and Judge W. M. Conley of Madera.

Also:

On request of Senator Cartwright, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Wm. Robertson, Chas. Puckhaber, J. Q. Hancock, D. S. Snodgrass, Judge A. G. Smith, Levi Garrett, W. O. Miles, and M. D. Herman of Fresno.

Also:

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Stephen Costello, Esq., of San Francisco.

Also:

On request of Senator Leavitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mayor Frank K. Mott and City Attorney John E. McElroy of Oakland.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. William Morgan O'Connor of San Francisco.

Also:

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. M. Clarke of Sacramento.

LEAVE OF ABSENCE.

Senator Holohan was, on motion of Senator Campbell, granted leave of absence for this day.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION — (OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Leavitt: Senate Concurrent Resolution No. 17—Approving six certain amendments to the charter of the city of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the fifth day of March, one thousand nine hundred and nine.

Senate Concurrent Resolution No. 17 ordered on file, without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 17.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Concurrent Resolution No. 17 be made a special order for Thursday, March 11, 1909, immediately after the reading of the Journal.

Motion carried.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Also: Senate Bill No. 619—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Also: Senate Bill No. 621—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Also: Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

Also: Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Also: Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of Presidential Electors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 941, 619, 621, and 1178 ordered on file for second reading.

Assembly Bills Nos. 1048 and 1075 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 573—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Also: Senate Bill No. 611—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 616—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in appellate courts.

Also: Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Also: Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salary of such clerk.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bills Nos. 573, 611, and 616 ordered on file for second reading.

Assembly Bills Nos. 654 and 27 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 607—An Act to amend Section 1327 of the Code of Civil Procedure of California, relating to the contest of wills or the probate thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WILLIS, Chairman.

Senate Bill No. 607 ordered on file for second reading.

BILL RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Price, Senate Bill No. 1170 was recalled from engrossment, for the purpose of amendment.

Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries, and fees of officers of counties of the sixth class.

During second reading of bill, the following amendments were offered by Senator Price:

Amend page 1, of the printed amended Senate bill, by striking out of Subdivision 1, line 6, the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand".

Amendment adopted.

Also:

Amend on page 2, Subdivision 2, line 20, by striking out the words "twenty-four hundred," and inserting in lieu thereof the words "two thousand"; and on line 24, same subdivision, strike out the words "at a salary of nine hundred dollars per annum"; and on line 37, same subdivision, strike out the words "and said matron".

Amendment adopted.

Also:

Amend page 2, subdivision 3, line 42, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand", and strike out lines 44, 54, 55, and insert the following: "of fifteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum, and three copyists, at a salary of nine hundred dollars per annum to be paid".

Amendment adopted.

Also:

Amend page 2, subdivision 4, line 59a, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand"; and in line 59b strike out

the word "twelve", and insert the word "six"; and in line 59c after the words "per annum", insert the following: "who shall serve as such deputy during the first fifteen days of each month".

Amendment adopted.

Also:

Amend page 2, Subdivision 5, line 63, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand"; and in line 64, strike out the word "twelve", and insert the word "six"; and on page 3, line 65, after the words "per annum", insert the following: "who shall serve as such deputy during the last fifteen days of each month."

Amendment adopted.

Also:

Amend page 3, Subdivision 6, line 69, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand"; and strike out all of lines 72, 73, and 74, and insert in lieu thereof the following: "twelve hundred dollars per annum; to be paid at the same".

Amendment adopted.

Also:

Amend page 3, Subdivision 7, line 79, by striking out the words "twenty-four hundred", and inserting in lieu thereof the words "two thousand"; and in line 81, after the words "per annum", insert the following: "and one deputy at a salary of twelve hundred dollars per annum"; and in line 84, Subdivision 7, strike out the period after the word "law", and insert the following: "; and provided further, that the assessor shall appoint such other deputies as may be necessary at his own cost and expense".

Amendment adopted.

Also:

Amend page 3, Subdivision 9, line 92, by striking out the words "twelve hundred", and inserting in lieu thereof the words "six hundred".

Amendment adopted.

Also:

Amend page 3, Subdivision 11, line 96, by striking out the words "twenty four hundred", and inserting in lieu thereof the words "two thousand".

Amendment adopted.

And:

Amend page 4, Subdivision 12, line 102, by striking out the word "twenty-four", and inserting in lieu thereof the word "eighteen"; and line 117, Subdivision 12, strike out the word "nine", and insert in lieu thereof the word "twelve".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Bill No. 1170.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 773, the same was taken up for consideration.

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Sanford as a special committee of one to amend, as follows:

Amend the title by inserting after the word "Fresno", in line 3 of the title in the printed bill, the following: "and the northwesterly boundary line of Tulare County."

Also:

On page 2, of the printed bill, Section 1, strike out lines 27 to 43, inclusive, and insert in lieu thereof the following: "the point of intersection of said boundary line of the main channel of Kings River; thence northerly and easterly following the meanderings of said center line of the main channel of Kings River to the point where the same again intersects the present boundary line between the said counties of Kings and Fresno; thence easterly and northerly following the meanderings of said center line of the main channel of Kings River to the point where the same intersects the present boundary line between the counties of Fresno and Tulare; thence northeasterly and easterly according to the boundary as now established by law."

And:

On page 2, of the printed bill, Section 2, line 6, beginning with the words "to the corner common to sections thirteen", strike out all the remainder of Section 2, on pages 2 and 3, and insert in lieu thereof the following: "the point of intersection of said boundary line with the center line of the main channel of Kings River, thence northerly and easterly, following the meanderings of said center line of the main channel of Kings River to the point where said center line again intersects the boundary line between the counties of Fresno and Kings; thence easterly and northerly following the meanderings of said center line of the main channel of Kings River to a point where said center line intersects the boundary line between the counties of Tulare and Fresno, as now established by law; thence northeasterly and easterly according to said boundary as now established by law."

CALL OF THE SENATE.

During the debate upon the motion to refer, Senator Cartwright moved a call of the Senate.

Motion carried.

Time, two o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Black, Boynton, Caminetti, Campbell, Cartwright, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Willis, and Wright—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifteen minutes P. M., Senator Bills was brought to the bar of the Senate, and, on motion of Senator Wright, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and seventeen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cartwright.

SUSPENSION OF RULE.

Senator Miller asked for, and was granted, unanimous consent for the suspension of the rule limiting the time of debate to ten minutes to each speaker, during the pending question.

SENATOR WILLIS IN THE CHAIR.

At three o'clock P. M., Senator Willis, of the Thirtieth District, in the chair.

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Birdsall, Cartwright, Hare, Roseberry, Sanford, Savage, and Strobbridge—7.

NOES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Curtin, Cutton, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

EXPLANATION OF VOTE

Senator Boynton asked for, and was granted, unanimous consent to explain his vote, as follows:

MR. PRESIDENT: I voted against the amendment, and intended to vote against the bill, because I believe that no territory should be taken from or added to a county by the Legislature unless the electors of the affected district be given an opportunity of expressing their wishes at the polls.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Read third time previously this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Curtin as a special committee of one to amend, as follows:

On page 2, of the printed bill, strike out lines 27 to 43 inclusive, and insert in lieu thereof the following: "the point of intersection of said boundary line with the center line of the main channel of Kings River: thence northerly and easterly following the meanderings of said center line of the main channel of Kings River to the point where the same again intersects the present boundary line between the said counties of Kings and Fresno: thence northeasterly along said boundary line as now established by law to the corner common to the counties of Kings, Fresno, and Tulare."

And:

On page 2, of the printed bill, Section 2, line 6, strike out after the word "law" the words "to the corner common to section thirteen", also strike out all the remainder of Section 2, and insert in lieu thereof the following: "the point of intersection of said boundary line with the center line of the main channel of Kings River: thence northerly and easterly along said center line following the meanderings of the main channel of Kings River to the point where said center line again intersects the boundary line between the counties of Fresno and Kings, as now established by law: thence northeasterly along said boundary line to the corner common to the counties of Fresno, Tulare, and Kings."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Curtin as a special committee of one to amend, as follows:

Of the printed bill, on page 2, Section 1, after the word "meridian:" in lines 36 and 37, strike out all of the remainder of Section 1, and insert in lieu thereof the following: "Thence east along the township line to the point where said township line intersects the boundary line between the county of Kings and the county of Fresno as now established by law: thence northeasterly along said boundary line to the corner common to the counties of Fresno, Tulare, and Kings."

And:

On page 3, Section 2, line 17, of the printed bill, after the word "meridian:" strike out all the remainder of Section 2 and insert in lieu thereof the following: "Thence east along the township line to a point where said township line intersects the boundary line between the county of Fresno and the county of Kings, as now established by law: thence northeasterly along said boundary line to the corner common to the counties of Fresno, Tulare, and Kings."

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Birdsall, Boynton, Caminetti, Cartwright, Cutten, Harv, Hartman, Leavitt, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, and Walker—15.

NOES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Finn, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Rush, Thompson, Weed, Willis, Wolfe, and Wright—19.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Miller as a special committee of one to amend, as follows:

In Section 2, line 12, after the words "range nineteen (19)," insert the word "east".

Also:

By striking out of Section 1, lines 36 and 37, the words "meri-" "an", and inserting in lieu thereof the following: "meridian."

Also:

On page 2, of the printed bill, in Section 1, lines 36 and 37, after the word "meridian;" strike out the remainder of Section 1, and in lieu thereof insert the following: "thence east along the township line a distance of eleven and one half miles, more or less, to the point where said township line intersects the center line of the main channel of Kings River; thence northeasterly and easterly following the meander of the said center line of the main channel of Kings River to the point where said center line intersects the boundary line between the county of Fresno and the county of Kings, as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno, and Kings; thence east along the fourth standard parallel line south, Mount Diablo base and meridian to the point of beginning."

Also:

On page 3, of the printed bill, in Section 2, line 17, after the word "meridian;" strike out all of the remainder of Section 2, and in lieu thereof insert the following: "thence east along the township line a distance of eleven and one half miles, more or less, to a point where said township line intersects the center line of the main channel of Kings River; thence northeasterly and easterly following the meander of said center line of the main channel of Kings River to the point where said center line of the main channel of Kings River intersects the boundary line between the county of Fresno and the county of Kings, as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno, and Kings.

And:

Amend the printed bill by inserting on line 9, Sec. 3, page 3, printed bill, by inserting after the word "organized" the following: "The county superintendent of schools of Fresno County is hereby directed to draw his warrant in favor of the county treasurer of Kings County for all school moneys apportioned or to be apportioned on the basis of the present school year to the school districts situated within the exterior boundaries of the territory described in section one of this Act, and the treasurer of Fresno County is hereby directed to pay the same."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 773, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Miller, the Secretary was directed to issue a rush order for printing Assembly Bill No. 773.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Anthony moved that the vote whereby Senate Constitutional Amendment No. 48

Proposed amendment to Article XI of the Constitution, relative to county support of indigent veteran soldiers, sailors, and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one fifth of a mill therefor—was refused adoption, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Anthony moved that the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 48 was refused adoption be made a special order for Friday, March 12, 1909, immediately after the reading of the Journal.

Motion carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 42 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Curtin, Cullen, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 992—An Act to amend sections one, two, three, and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, Miller, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—Senators Anthony, Black, Boynton, Cullen, Estudillo, Hartman, Price, Roseberry, and Stetson—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known

and designated as Section 1987 and Section 2107, both relating to the National Guard.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 169 finally passed by the following vote:

AYES—Senators Bates, Bills, Black, Boynton, Caminetti, Curtin, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Estudillo, Finn, Hare, Hurd, Leavitt, Martinelli, McCartney, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 302—An Act to amend Sections 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1951, 1953, 1954, 1956, 1957, 1958, 1962, 1966, 1985, 2020, 2026, 2076, 2078, 2079, 2081, 2086, 2102, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 650—An Act to amend Section 637a of the Penal Code of California, and to add thereto three new sections, to be numbered 637b, 637c, and 637d, all relating to protection of wild birds other than game birds, and their nests and eggs.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Cutten, Estudillo, Hare, Hurd, Leavitt, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis and Wright—26.

NOES—Senator Lewis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 763 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 444—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 444 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cutten, Estudillo, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 833—An Act to add a new section to the Penal Code, to be numbered 402c, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 833 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 931—An Act to amend Section 444 of the Political Code of the State of California, relating to transfers of money from one fund to another.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Caminetti, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend an Act entitled “An Act to create a firemen’s relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State.” approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Willis, and Wright—22.

NOES—Senator Walker—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 827—An Act authorizing any incorporated town, city, or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cartwright moved to refer to Senator Sanford as a special committee of one to amend, as follows:

By striking out of Section 1, line 20, the words “has been questioned,” and inserting in lieu thereof the following: “is being contested or inquired into.”

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 155, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of the boards of trustees for colleges and seminaries of learning.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 956 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 633 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to have Committee Substitute for Senate Bill No. 359 taken up for consideration out of order.

Committee Substitute for Senate Bill No. 359—An Act to authorize certain improvements at the California Institution for the Deaf and Blind in Berkeley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 359 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hare, Hurd, Kennedy, Martinelli, McCartney, Miller, Price, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Curtin, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General, and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 996—An Act to add a new section of the Penal Code, to be numbered 409c, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1 amend the title by inserting after the word "Code", in line 1 thereof, the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "Code" insert the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

And:

On page 1 strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out the word "Section" on line 4.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' " approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts

amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out everything after the words "An Act", and inserting in lieu thereof the following: "To amend section one of an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State", approved March 23, 1907, and to add a new section thereto, to be numbered two and one half, relating to competition in trade and industry, and to add a new section thereto, to be numbered section thirteen, relating to labor."

Amendment adopted.

Also:

After the enacting clause insert the following:

SECTION 1. Section one of an Act entitled "An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State", is hereby amended so as to read as follows:

Section 1. A trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them for either, any or all of the following purposes:

1. To create or carry out restrictions in trade or commerce.
2. To limit or reduce the production or increase or reduce the price of merchandise or of any commodity.
3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.
4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State.
5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound them-

selves not to sell, dispose of, or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure, or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void, *provided* that no agreement, combination or association shall be deemed to be unlawful or within the provisions of this Act, the object and business of which are to conduct its operations at a reasonable profit, or to market at a reasonable profit those products which can not otherwise be so marketed: *provided further*, that it shall not be deemed to be unlawful, or within the provisions of this Act, for persons, firms or corporations, engaged in the business of selling or manufacturing commodities of a similar or like character, to employ, form, organize, or own any interest in any association, firm or corporation, having as its object or purpose the transportation, marketing, or delivery of such commodities.

SEC. 2. A new section is hereby added to said Act, to be numbered section two and one half, and to read as follows:

Section 2½. It shall be lawful to enter into agreements or form associations or combinations, the purpose and effect of which shall be to promote, encourage or increase competition in any trade or industry, or which are in furtherance of trade.

SEC. 3. A new section is hereby added to said Act, to be numbered section thirteen, and to read as follows:

Section 13. Labor, whether skilled or unskilled, is not a commodity within the meaning of this Act.

Amendment adopted.

Also:

Strike from the printed bill all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Amendment adopted.

And:

Renumber Sec. 14 to read "Sec. 4."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 233—Proposed amendments to municipal library law.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 1166 for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Thompson as a special committee of one to amend, as follows:

By adding in Section 5, line 4, after the word "cost" the following: "including expense of advertising and inspection."

Also:

By adding in Section 6, line 4, after the word "excess" the following: "of ninety per cent."

Also:

By adding to Section 9, line 10, after the period the following: "Any such contract shall provide for the filing of a sufficient bond by the contractor to secure the payment of the claims of materialmen, mechanics, or laborers employed upon State work; a penalty of ten dollars per day to be forfeited to the State for each calendar day during which any laborer, workman, or mechanic is employed or permitted to labor more than eight hours; a minimum compensation of not less than two dollars per day for labor; that no Chinese or Mongolian labor shall be employed and such other provisions as are now or may hereafter be provided by law."

And:

By adding in Section 10, line 5, after the period the following: "such repeal shall not affect, however, the operation of any other Act heretofore passed, whether such Act shall refer to the Act hereby repealed or not, so as to exempt any public work from the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1166, with instructions to amend, respectfully reports the same back, amended as per instructions.

THOMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Leavitt, the Special File of Appropriation Bills was taken up for consideration.

Senate Bill No. 74—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make appropriation for the same.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, line 1, by striking out the word "fifty".

Amendment adopted.

And:

Amend page 1, Section 1, line 2, by striking out the figures "150,000.00", and inserting in lieu thereof the figures "100,000.00".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend page 1, Section 1, lines 1 and 2, by striking out the words and figures "four hundred fifteen and sixty-five one-hundredths (\$415.65)", and inserting in lieu thereof the words and figures "three hundred eighty-two and twenty one-hundredths (\$382.20)".

Amendment adopted.

And:

Amend Section 1, lines 6 and 7, by striking out the words and figures "four hundred fifteen and sixty-five one-hundredths (\$415.65)", and inserting in lieu thereof the words and figures "three hundred eighty-two and twenty one-hundredths (\$382.20)".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars (\$3,480.00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue, in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 132—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 595—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 669—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 783—An Act to appropriate \$3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 972—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 294, the same was taken up for consideration.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one, to amend, as follows:

On page 3, Section 6, line 3, of the printed bill, strike out the comma after the word "commissioners" and the following words: "and all expenses", and also all the

remainder of the paragraph, and insert in lieu thereof the following: "shall be paid out of any money in the general fund appropriated therefor."

Also:

On page 4, Section 11, line 2a, of the printed bill, insert after the word "purposes" a comma.

Also:

On page 8, line 28, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "thirty".

Also:

On page 9, Section 20, line 6, of the printed bill, after the word "thereof" strike out the comma, and insert in lieu thereof the following: "or of the Constitution of this State."

Also:

On page 10, Section 20, line 15, of the printed bill, after the word "proper" insert the following: "no complaint shall at any time be dismissed because of the absence of direct damage to the plaintiff."

And:

On page 15, Section 25, line 4, of the printed bill, strike out after the word "inadequate" the comma, and insert in lieu thereof the following: "or that anything has been done or omitted to be done by any common carrier subject to the provisions of this Act in contravention to the provisions thereof or of the Constitution."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 17, between line 10, of Section 34, and line 1, of Section 35, insert the following:

SEC. 34½. Any transportation company guilty of unjust discrimination, as defined in this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than five hundred dollars, and not more than five thousand dollars. Every officer and agent of any such company who shall violate, or who procures, aids or abets any violation by such company of any of the provisions of Sections 33 and 34 of this Act shall be guilty of a misdemeanor.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates as a special committee of one to amend, as follows:

On page 19, of the printed bill, add a new section to be known and designated as "Section 39", and to read as follows: "No railroad or other transportation company shall grant free passes, or passes, or tickets, at a discount, to any person holding any office of honor, trust, or profit in this State, and every transportation company issuing free passes or tickets at a discount in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars."

Also:

Renumber "SEC. 39" of the printed bill so as to read "SEC. 40."

Also:

Renumber all of the remaining sections in consecutive order, so that the last section of the printed bill, to wit: "SEC. 43", will read "SEC. 44".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40a and to read as follows:

SEC. 40a. The said commission is hereby authorized and directed when public interests require, to file petitions for investigations, or complaint or complaints, with the Interstate Commerce Commission, and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the terms of what is known as the Interstate Commerce Act, complaining of anything done, or omitted to be done by common carriers subject to the provisions of the Interstate Commerce Act. Said board is also hereby authorized and instructed to file petitions for investigations, or complaint, or complaints, and to commence such suit or suits, in tribunals, or courts of competent jurisdiction, complaining of the order, or orders, of any transcontinental railroad company, or other common carriers, either railroad or steamship, raising freight rates, or entering into contracts or combinations to raise, or maintain rates, or to take any action that will prevent competition, to and from, or to or from, California points to points in the United States outside of California. The Attorney General is hereby directed to represent said board and the people of the State of California, in any proceeding commenced under the provisions of this section.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40b, and to read as follows:

SEC. 40b. The commission shall have power to investigate and ascertain as nearly as practicable the actual value of all property, real and personal, of every kind and character, of every railroad or transportation company under its jurisdiction doing business in the State of California, and also the amounts paid for salaries of officers and for wages of employees. The commission, for the purpose of carrying on the investigation provided for by this section, shall have power to employ experts and to secure the assistance of the Department of Engineering whenever necessary. The result of such investigation shall be reported to the Legislature at the beginning of each regular session, such valuations to show the value of the property of every railroad or other transportation company, as a whole, and also the value of its property in the State of California. Every such railroad shall furnish to such board from time to time, and as the board may require, maps, profiles, contracts, reports of engineers, and other documents, records, papers, or copies of any or all of the same, in aid of such investigation and the determination of the value of the property of the said railroad or other transportation company,

and every such railroad or other transportation company is required to cooperate with said board in the work of the valuation of its property in such further particulars and to such extent as the said board may direct.

The question being on the motion to refer.

The roll was called.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion lost.

Whereupon the President announced that the motion to refer was lost by the following vote:

AYES—Senators Bell, Birdsall, Black, Burnett, Caminetti, Cartwright, Cullen, Miller, Sanford, Stetson, Strobbridge, and Walker—12.

NOES—Senators Anthony, Bates, Bills, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Weed, Welch, Willis, Wolfe, and Wright—19.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40c, and to read as follows:

SEC. 40c. The said commission is hereby empowered and directed to cooperate with the Interstate Commerce Commission in the investigation of discriminations in charges of facilities for transportation of passengers or freight made by any railroad or other transportation company, between places or persons, or in the facilities for the transportation of the same classes of passengers or freight within this State, or coming from or going to any other State, and to that end and for either of said purposes shall arrange for joint meetings with the Interstate Commerce Commission or any section thereof in the various commercial and industrial centers of this State.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENTS Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section to Senate Bill No. 294, to be designated Section 40d, and to read as follows:

SEC. 40d. The State Board of Railroad Commissioners shall meet and hold a session of such board for the purpose of investigating any discriminations, or any complaint of any citizen of this State, against any railroad or other transportation company at least once every six months, commencing May 1, 1909, at each of the following cities: San Francisco, Los Angeles, San Diego, Stockton, Sacramento, Oakland, Fresno, San Jose, Santa Barbara, Redding, Bakersfield, Marysville, San Bernardino, and Eureka, and at such other cities or towns in counties other than those in which the cities hereinabove named are respectively situated, when a petition for a meeting of such board is filed with the secretary thereof by ten shippers. Notice of such meetings shall be given by said board by advertising same for a period of one week in one or more daily newspapers published in the city and county of San Francisco, and for a like period in a daily newspaper in the county where any meeting is to be held, if there be one published therein, if not, then for a period of two weeks in a weekly newspaper published therein. Such notice shall contain a request for the public interested in transportation matters to appear and present any complaints or file petitions for better facilities or for reduction of rates. At such

meetings testimony may be taken in support of such complaint or petition. If demanded by any railroad or other transportation company, affected by such complaint or petition, the board may hear such testimony as such company may present; whereupon such board shall take such proceedings on such complaint or petition as may be authorized by the Constitution and laws of this State. The testimony taken at all hearings of such board authorized by the provisions of this Act shall be reduced to writing, and a copy of the same shall be reported to the Legislature at the beginning of each regular session thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section, to be numbered 31a, and to read as follows:

31a. The Railroad Commission shall investigate the cause of all accidents on any railroad within the State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier and railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad owned, operated, controlled or leased by it in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier or railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section, to be numbered 31b, to read as follows:

31b. A railroad corporation, upon the application of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railroad or private sidetrack owned, operated or controlled by such shipper, and shall, upon the application of any shipper, provide upon its own property a sidetrack and switch connection with its line of railroad, whenever such sidetrack and switch connection is reasonably practicable, can be put in with safety, and the business therefor is sufficient to justify the same.

If any railroad corporation shall fail to install or operate any such switch connection with a lateral line of railroad or any such sidetrack and switch connection as aforesaid, after written application therefor has been made to it, any corporation or person, interested may present the facts to the railroad commission by written petition, and the commission shall investigate the matter stated in such petition, and give such hearing thereon as it may deem necessary or proper. If the commission be of opinion that it is safe and practicable to have a connection, substantially as prayed for, established or maintained, and that the business to be done thereon justifies the construction and maintenance thereof, it shall make an order directing the construction and establish-

ment thereof, specifying the reasonable compensation to be paid for the construction, establishment, and maintenance thereof, and may in like manner upon the application of the railroad corporation order the discontinuance of such switch connection.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section to be numbered 31c, to read as follows:

31c. No common carrier shall enter into or become a party to any combination, contract, agreement or understanding, written or oral, express or implied, to prevent by any arrangement or by change of arrangement of time schedule, by carriage in different cars or by any other means or devise whatsoever the carriage of freight and property from being continuous from the place of shipment to the place of destination. No breakage of bulk, stoppage or interruption of carriage made by any common carrier shall prevent the carriage of freight and property from being treated as one continuous carriage from the place of shipment to the place of destination. Nor shall any such breakage of bulk, stoppage or interruption of carriage be made or permitted by any common carrier except it be done in good faith for a necessary purpose without intention to avoid or unnecessarily interrupt or delay the continuous carriage of such freight or property or to evade any of the provisions of law, of this Act, or of any order of the Railroad Commission.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

On page 16, after the end of Section 31, insert a new section, to be numbered 31d, to read as follows:

31d. No common carrier, subject to the provisions of this Act, shall charge or receive any greater compensation in the aggregate for the transportation of passengers or of a like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any such common carriers to charge and receive as great a compensation for a shorter as for a longer distance or haul.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Campbell moved to refer to Senator Caminetti as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the words "the Board of Railroad Commissioners", and inserting in lieu thereof the following: "the Railroad Commission".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 294, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 11, page 4, line 4 thereof, after the word "state" the following: "and all common carriers".

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

Insert in Section 16, line 4 thereof, on page 6, after the word "Act", the following: "and to make rules and regulations to govern and regulate the transportation of persons and property by such transportation companies."

And:

By inserting in the same section, new line after the word "rates", the following: "and rules and regulations."

Amendments read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section numbered 16a to follow Sec. 16, and to be inserted after line 19 of Sec. 16, as follows:

SEC. 16a. The Railroad Commission shall have power, and it shall be its duty to fairly and justly classify and subdivide all freight and property, of whatsoever character, that may be transported by the railroad or other transportation companies of this State into such general and special classes or subdivisions as may be found necessary and expedient.

The commission shall have power, and it shall be its duty, to make and establish for each class or subdivision of freight a reasonable rate for each railroad or transportation company subject to this Act, for the transportation of each of said classes and subdivisions.

The classification herein provided for shall apply to and be the same for all railroads subject to the provisions of this Act.

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 18, line 28, page 8, the word "ten", and inserting in lieu thereof the following: "thirty."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 18, page 8, line 23 thereof, after the word "inspected" the following: "Every such transportation company shall likewise file with the commission a copy of all agreements concerning joint freight and passenger rates and the division of the same with other railroad or transportation companies in so far as the same concern the transportation within this State of persons or property by said railroad or transportation companies, and it is hereby made the duty of said commission to immediately upon filing of the said schedules, rates, tariffs, rules, regulations and agreements to adopt and establish the same or to amend, change, alter or abolish the same, in whole or in part."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 20, page 9, line 6 thereof, after the word "thereof" the following: "or of the Constitution of this State."

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting the following at the end of Sec. 20, on page 10, line 15, after the word "proper", "No complaint shall at any time be dismissed because of the absence of direct damage to the complainant".

Amendment read, and ordered printed in the Journal.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 25, page 15, line 4, after the word "inadequate", the following: "or that anything has been done, or omitted to be done, by any common carrier subject to the provisions of this Act in contravention of the provisions thereof".

Amendment read, and ordered printed in the Journal.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Bill No. 294.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bill No. 294 be made a special order for Thursday, March 11, 1909, immediately after the consideration of the special orders heretofore set, following the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 4, the same was taken up for consideration.

Committee Substitute for Senate Constitutional Amendment No. 4—Relative to the Railroad Commission.

SPECIAL ORDER POSTPONED.

Senator Campbell moved that the further consideration of Committee Substitute for Senate Constitutional Amendment No. 4 be postponed and made a special order for Thursday, March 11, 1909, immediately after the consideration of the special orders heretofore set, following the reading of the Journal.

Motion carried.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum bearing strata or formations by the penetration or infiltration of water therein.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Committee Substitute for Assembly Bill No. 940 read first time, and ordered referred to Committee on Mines and Mining.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned until Thursday, March 11, 1909, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER.

Thursday, March 11, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Catten, Estedillo, Finn, Hare, Hartman, Hord, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 10, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Father Joseph Byrne of Napa.

Also:

On request of Senator Stetson, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. H. S. Shuey of Berkeley.

LEAVE OF ABSENCE.

Senator Holoohan was, on motion of Senator Campbell, granted leave of absence for this day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Senate Bill No. 1065 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Estudillo, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation, and report to the Governor of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1065 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

As a question of personal privilege, Senator Savage asked for and was granted permission to have the following telegram printed in the Journal:

SAN PEDRO, CAL., March 10, 1909.

HON. WM. SAVAGE, *State Senate, Sacramento, Cal.*

Hurrah! Six thirty-nine against, one sixty-four for exclusion. Petition five hundred seventy-one. Signers of exclusion in the mud.

Majority against exclusion 473.

CITIZENS' COMMITTEE.

R. L. ANGELL.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Stetson:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law, and

WHEREAS, This age of strenuous competition demands a weekly rest day:

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

L. A. Spencer, Phil Becker, H. Hopeman, Robert Robertson, Samuel A. Williard, and others.

Also:

By Senator Bates:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day:

Therefore, the undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

D. B. Davidson, D. L. Larkin, G. E. Merryman, A. W. Benedict, J. A. Van Anda, and others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, and building of a reservoir, and pipe line for a clear water system.

Also: Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "the congregate dining-room," and to make an appropriation for the same.

Also: Assembly Bill No. 215—An Act to provide for the construction of storm drains on the grounds of the Southern California State Hospital at Patton, and to make an appropriation for the same.

Also: Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make an appropriation for the same.

Also: Assembly Bill No. 212—An Act providing for the enlarging and reroofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

Also: Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of the claim of Regal Shoe Company.

Also: Assembly Bill No. 1368—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the Cali-

fornia Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bill No. 166 ordered on file for second reading.

Assembly Bills Nos. 216, 215, 214, 212, 1064, and 1368 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 715—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 1203—An Act appropriating the sum of \$5,000 for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol, at Sacramento.

Also: Assembly Bill No. 1018—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy, and assistants, and the salaries of the deputy and assistants.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

LEAVITT, Chairman.

Senate Bills Nos. 715 and 1203 ordered on file for second reading.

Assembly Bill No. 1018 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fire-proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Also: Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Also: Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also: Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415a, relating to the office of the Secretary of State.

Also: Senate Bill No. 945—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Also: Senate Bill No. 1191—An Act authorizing municipal corporations, counties, and cities and counties to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon.

Also: Senate Bill No. 1009—An Act to provide for the creation of a Board of Parole Commissioners for each county in this state, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

Also: Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

Also: Committee Substitute for Senate Bill No. 906—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies and assistants.

Also: Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Also: Senate Bill No. 608—An Act to amend section sixteen hundred and seventy-eight of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Also: Senate Bill No. 610—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure, relating to the disposition of life estates or homesteads or community property in certain cases and joint tenancies.

Also: Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Also: Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Also: Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Also: Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Also: Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Also: Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Also: Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Also: Senate Bill No. 1116—An Act to amend section four hundred and seventeen of the Political Code of the State of California.

Also: Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Also: Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Also: Senate Bill No. 1122—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Also: Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States and vesting the title of the State to such surveyed school sections in the United States.

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds, at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act.

Also: Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Also: Senate Bill No. 1216—An Act conferring certain powers on the Board of Railroad Commissioners of the State of California, and making an appropriation to carry the same into effect.

Also: Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Also: Senate Bill No. 1230—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses, and taking evidence by the supervisors of a county when acting as a county board of equalization.

Also: Senate Constitutional Amendment No. 50—A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 544, 713, 76, 1132, 1231, 1104, 945, 1191, 1009, 605, 608, 610, 618, 868, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1120, 1122, 1134, 1067, 1204, 1216, 1229, and 1230 ordered on file for third reading.

Senate Joint Resolution No. 19 ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 906 ordered on file for third reading.

Senate Constitutional Amendment No. 50 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Also: Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relating to contesting certain elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

Assembly Bills Nos. 204 and 177 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Concurrent Resolution No. 8—Relative to appointment of a committee of five by the Governor, to investigate the feasibility of dividing the State into fish and game districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WELCH, Chairman.

Assembly Concurrent Resolution No. 8 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 786 and 790 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Also: Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Also: Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Also: Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Also: Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 542a, relating to attachments.

Also: Assembly Bill No. 661—An Act to amend section seven hundred and seventeen of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Also: Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789a, relating to conveyances by guardians.

Also: Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810a, relating to conveyances by guardians.

Also: Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section number 676, relating to extra sessions of the Superior Court.

Also: Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953a, 953b, and 953c, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 436, 437, 438, 203, 205, 661, 1104, 1105, 185, and 104 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1002—An Act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions.

Also: Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Also: Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code, relating to the definition of terms and words.

Also: Assembly Bill No. 231—An Act to amend Chapter II, Title IV of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one-half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Also: Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191a, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town, or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Also: Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Also: Senate Bill No. 1136—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Also: Assembly Bill No. 803—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also: Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also: Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State and the affidavit on applications to purchase the same.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 1002, 1031, 1220, 141, 231, 1099, 1403, 579, 580, 802, 803, 1144, and 1145 ordered on file for second reading.

Senate Bill No. 1136 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred on March 9, 1909, the following resolution by Senator Wright, to wit:

WHEREAS, An Act of Congress entitled "An Act for the admission of California into the Union," approved September 9, 1850, among other things provides "that all

the navigable waters within the State shall be common highways and forever free as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost or duty therefor;" and

WHEREAS, An attempt was made many years ago to convey to private ownership certain lands within the jurisdiction of this State and lying below the ordinary high tide line, in violation of the letter and spirit of the said Act admitting the State of California into the Union; and

WHEREAS, Certain lands of great value lying below the ordinary high tide line and within the bays of San Francisco, Vallejo, Eureka, San Pedro, and San Diego are now held in alleged private ownership adversely to the State; now, therefore, be it

Resolved, That the Senate of the State of California respectfully calls the attention of the Governor and the Attorney General to the conditions above recited, to the end that they may take such legal steps as will protect and preserve the interest of the State of California in all tide lands lying within the harbors of this State—have had the same under consideration, and respectfully report the same back, with the following amendment:

After the word "State," where it appears the second time in the last line of the resolution, strike out the period, and insert in lieu thereof a semicolon and add the following: "*provided, however*, that this resolution shall not apply to tide lands within the corporate limits of the city of Oakland"—and recommend that the same be adopted as amended.

WILLIS, Chairman.

SENATE COMMITTEE AMENDMENT.

After the word "State," where it appears the second time in the last line of the resolution, strike out the period and insert in lieu thereof a semicolon and add the following: "*provided, however*, that this resolution shall not apply to tide lands within the corporate limits of the city of Oakland."

Amendment read and adopted.

Report and resolution, as amended, ordered on file as unfinished business.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 26 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874a, all relating to text-books—have had the same under consideration, and respectfully report the same back, with amendments, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 724 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 253—An Act for the relief of aged teachers—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be re-referred to the Committee on Finance.

BLACK, Chairman.

Assembly Bill No. 253 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code by determining

the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy or vicious habits—have had the same under consideration, and respectfully report the same back, with amendments, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 688 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Also: Assembly Bill No. 735—An Act to amend Section 1567a of the Political Code of the State of California, relating to clerks of school districts.

Also: Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also: Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein, and to create boards of library trustees.

Also: Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, and 1427 of the Political Code, all relating to Regents of the University of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BLACK, Chairman.

Assembly Bills Nos. 630, 735, 1102, 1431, and Committee Substitute for Assembly Bills Nos. 64, 65, and 66 ordered on file for second reading.

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 919—An Act to create a reclamation district, to be called "American River Reclamation District Number 1," and providing for the control and management thereof.

Also: Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEWIS, Chairman.

Assembly Bills Nos. 919 and 961 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas or petroleum-bearing strata or formations, by the penetration or infiltration of water therein—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BOYNTON, Chairman.

Committee Substitute for Assembly Bill No. 940 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Black—An Act to amend the Political Code of the State of Cali-

fornia by adding a new section, to be numbered Section 4135a, validating improperly recorded instruments, and providing for the indexing thereof—have had the same under consideration, and respectfully recommend that the Constitution be complied with, and the Senator be permitted to introduce the bill.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Black be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Welch, Willis, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Black: Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section to be numbered section four thousand one hundred and thirty-five a, validating improperly recorded instruments, and providing for the indexing thereof.

Bill read first time, and ordered on file without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Cutten—An Act to amend Section 1764, Code of Civil Procedure, relating to appointment of guardians—have had the same under consideration, and respectfully report the same back with the recommendation that the Constitution be complied with, and the bill permitted introduction.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Cutten be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Cutton: Senate Bill No. 1248—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered out of order:

By Senator Caminetti:

WHEREAS, The citizens of Oakland, California, today honor the Honorable W. E. Dargie, a former member of this body, by a banquet in commemoration of his fifty-fifth birthday and a lifelong advocacy of the interests of Alameda County; therefore,

Resolved, That the members of the Senate tender to ex-Senator Dargie hearty congratulations and express the hope that he may enjoy many returns of this day.

Resolution read and adopted.

MOTION.

On motion of Senator Wolfe, the Secretary of the Senate was directed to transmit the above resolution to Hon. W. E. Dargie, at Oakland, by wire.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 6, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose legislation, laws, and amendments to the Constitution and to enact the same at the polls, independent of the Legislature.

The Legislature of the State of California at its regular session, commencing on the 4th day of January, 1909, two thirds of all the members voting in favor thereof, hereby proposes that Section one of article four of the Constitution of the State of California be amended so as to read as follows:

ARTICLE IV.

Section 1. *a.* The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, but the people reserve to themselves the power to propose by petition laws, statutes, and amendments to the Constitution, and to adopt or to reject the same at the polls, independent of the Legislature. The Legislature may enact laws and statutes and propose amendments as elsewhere provided in this Constitution.

b. Upon the presentation to the Secretary of State of a petition signed by qualified electors of the State as many in number as twelve per cent of all the votes cast for Governor at the then last election for Governor, proposing a law, statute

or an amendment to the Constitution, set forth in full in said petition, the Secretary of State must submit the said proposed law, statute or amendment to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation of said petition. In all matters pertaining to the submission, and the adoption or rejection of the same, the Secretary of State and all other officers shall be guided by the general laws, particularly those applicable to constitutional amendments, until legislation shall be especially provided therefor. If the number of electors voting in favor of any proposed measure exceed the number voting against it, the proposed measure thereby becomes adopted and in full force and effect.

c. Any such petition may be presented in sections. Each section must contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist, or such a description of the place of his residence as will enable its location to be ascertained. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the State shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported signer thereof, shall be presumed to be genuine. Unless and until it is proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

d. Several petitions may be presented proposing measures to be voted upon at the same election. If measures be simultaneously adopted which contain conflicting provisions, the provision contained in the measure receiving the highest affirmative vote shall prevail.

e. A substantial compliance with the provisions of this section shall be sufficient for the proposal and adoption of any measure. This section is self-executing, but legislation may be enacted especially to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the power herein reserved.

f. If petitions for the initiation of statutory law be filed with the Secretary of State not less than thirty days before any regular or special session of the Legislature, the Secretary of State shall transmit the same to the Legislature as soon as it convenes. Such initiative measures shall take precedence over all other measures in the Legislature excepting appropriation bills. The Legislature may enact any initiative measure, without change or amendment, but in all cases proposed amendments to the Constitution must be submitted to the electors for approval or rejection. If any such initiative measure shall be rejected by the Legislature, or no action be taken upon it by the Legislature within forty days from the date of its transmission, the Secretary of State shall submit it to the electors for approval or rejection at the next ensuing general election. The Legislature may reject any measure proposed by initiative petition, and propose a different one to accomplish the same purpose, but in such event both measures shall be submitted to the electors for their rejection or approval by the Secretary of State at the next ensuing general election. The veto power of the Governor shall not extend to measures adopted by direct vote of the people. A statute adopted by direct vote of the people can be repealed or amended only by direct vote of the people.

g. If for any reason any measure proposed by petition as herein provided be not submitted at the next succeeding general election occurring ninety days after the presentation of said petition, such failure shall not prevent its submission at a succeeding general election, and no constitutional amendment or amendments or other measure proposed by the Legislature shall be submitted, except that at the same election there shall be submitted those measures proposed by petition of the electors, if any be so proposed, as herein provided.

h. The enacting clause of every law shall be as follows: "Be it enacted by the people of the State of California."

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 6 refused adoption by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, Catten, Estudillo, Hare, Kennedy, McCartney, Reilly, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, and Welch—19.

NOES—Senators Bates, Bills, Black, Curtin, Hartman, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Savage, Weed, Willis, Wolfe, and Wright—16.

EXPLANATION OF VOTE.

Senator Miller asked for, and was granted, unanimous consent to explain his vote, as follows:

MR. PRESIDENT: In explanation of my vote on Senate Constitutional Amendment No. 6, I feel compelled to vote against the amendment in its present form because I believe upon reflection it would tend to destroy a republican form of government and toward the establishment of a pure democracy, in my judgment an undesirable thing. My views upon the initiative and referendum have recently been modified by investigation of the workings of this system in other states of the Union. I further object to the amendment in its present form, as the twelve per cent, required to submit a question, can all be obtained in one locality.

NOTICE OF MOTION TO RECONSIDER.

Senator Black gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 6 was this day refused adoption.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 17, the same was taken up for consideration.

SENATE CONCURRENT RESOLUTION NO. 17.

Approving six certain amendments to the charter of the city of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the fifth day of March one thousand nine hundred and nine.

WHEREAS, The city of Oakland, in the county of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the Legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the city of Oakland, in Alameda County, California, that is to say, the council of the city of Oakland, did, by Ordinance No. 2833 passed and adopted by said council on the twenty-ninth day of December, one thousand nine hundred and eight and approved by the mayor of said city subsequently thereto and on the twenty-ninth day of December, one thousand nine hundred and eight, and pursuant to section eight of article eleven of Constitution of the State of California, duly propose to the qualified electors of the said city of Oakland, eight certain amendments to the charter of the said city of Oakland, and said amendments were set forth and described in said Ordinance No. 2833; and

WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days; and

WHEREAS, Thereafter the said council of the city of Oakland, did, by an ordinance known as number 2851 which was duly passed and adopted by said council on the fifteenth day of February one thousand nine hundred and nine, order the holding of a special election in said city of Oakland, in county of Alameda, California, on the fifth day of March one thousand nine hundred and nine (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said city of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by

the mayor of said city on the seventeenth day of February, one thousand nine hundred and nine, and was published in the manner and for the time required by law; and

WHEREAS, Said proposed amendments were submitted as aforesaid to the qualified electors of said city, at said special election previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said city of Oakland, to wit, in the "Oakland Enquirer"), on the fifth day of March, one thousand nine hundred and nine; and

WHEREAS, At said special election six of said proposed amendments, to wit, amendments numbers one, two, five, six, seven, and eight were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

WHEREAS, The said council of the city of Oakland in county of Alameda, California, at a meeting thereof held in accordance with law, on Monday, the eighth day of March, one thousand nine hundred and nine, duly canvassed the returns of said election, and duly found, determined and declared that at said special election six of said proposed amendments, to wit, numbers one, two, five, six, seven and eight, were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

WHEREAS, The said amendments to said charter so ratified are in words and figures, respectively, as follows:

That a new article be added to said charter the same to be known as Article XII thereof, and said article to be and read as follows:

Park Commissioners.

Section 209. All land and water parks owned or controlled by the city of Oakland and all grounds surrounding public buildings of the city of Oakland, and all parks, squares and public pleasure grounds hereafter established or acquired by the city of Oakland shall be (anything to the contrary in the charter of city of Oakland notwithstanding), unless otherwise provided in this article, under the exclusive control and management of a board of commissioners, who shall be designated as park commissioners.

Section 210. The commissioners shall be three in number and they shall be appointed by the mayor and shall receive no compensation for their services. Of those first appointed he shall appoint one for two years, one for three years and one for four years. Upon the expiration of each of said terms for which appointment is made he shall appoint for four years one person as the successor of the commissioner whose term of office expires.

Section 211. The commissioners shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The secretary so elected may receive a salary to be fixed by said board or the secretary of the board of public works may be appointed as said secretary, and when appointed he shall perform the duties of said office of secretary without compensation. The board shall establish rules and regulations for its government and for the performance of its duties and for the conduct of its officers and employees, and may require adequate bonds from all of them, except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. The person elected president shall hold his office for one year, and until his successor is elected. The board must hold regular meetings at least once in two weeks and as many special meetings as it may deem proper. Two of the commissioners shall constitute a quorum for the transaction of business. All work ordered by the park commissioners or required to be done by them shall be governed as to such work and contracts therefor by the provisions of this charter governing the department of public works.

Section 212. The commissioners (anything to the contrary in the charter of the city of Oakland notwithstanding), shall have the complete and exclusive control, management and direction of the said parks, squares and grounds, and the exclusive right to erect, and to superintend the erection of buildings and structures thereon pertaining to park purposes; *provided, however*, that the board of public works, the council concurring, may erect or cause to be erected any municipal building or buildings thereon; said commissioners may employ and appoint superintendents, laborers, surveyors, gardeners, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares and grounds. Nothing in this section shall be so construed as to authorize the commissioners to lease any part of any of said parks, squares and grounds to any person, firm or corporation for any purpose, or to permit any person, firm or corporation to build or maintain any structure on any part of said parks, squares or grounds; *provided, however*, the board is not inhibited from leasing for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, firm or corporation who shall undertake to serve such use; and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park pleasure purposes only; *provided also, however*, that the said park commissioners may lease park grounds under their

control for a period greater than one year with the concurrence of the council of the city of Oakland and the board of public works; and provided further, that the council of the city of Oakland and the board of public works may cause to be executed for and on behalf of said city of Oakland by the mayor of said city of Oakland a lease of park grounds for exposition or convention purposes, but no such permission or lease shall be granted except such exposition or convention be of national, state or municipal importance.

Section 213. The board of park commissioners may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement of said parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom and paid out in the manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds.

Section 214. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board; nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs, or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration, and suitable for park adornment.

Said proposed Article XII as herein stated shall be and shall be known and designated as amendment number one (1) to the charter of the city of Oakland, county of Alameda, State of California.

That Section 133 of said charter of city of Oakland be amended to read as follows:

Section 133. *a.* There shall be maintained in the city of Oakland free public libraries and reading rooms, to be known as "The Oakland Free Library."

b. Such public libraries and reading rooms shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor. Such trustees shall severally hold office for three years, serving without compensation; provided, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of the year thereafter, and the other two at the end of the two years thereafter. Men and women shall be equally eligible to such appointment; and vacancies shall be filled by appointment for the unexpired term in the same manner.

c. The board of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by the president or by three trustees, by written notice mailed to each member at least twenty-four hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of its number president, and one secretary, who shall serve for one year and until their successors are appointed. In the absence of the president it shall select a president pro tem. The board shall cause a proper record of its proceedings to be kept, and, at the first meeting of the board of trustees it must immediately upon organization cause to be made out and filed with the State Librarian at Sacramento a certificate showing the names of the trustees and of the officers of the board chosen for the first year.

d. The board of library trustees shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government and protection of the said Oakland Free Library, and all property belonging thereto or under its control, or that may be loaned thereto.

Second—To administer any trust declared or created for said Oakland Free Library, and receive by gift, devise, or bequest, and held in trust, or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of said library.

Third—To prescribe the duties and powers of the librarian, clerk and other officers and employees of the libraries and reading rooms; to determine the number and all qualifications as to residence or otherwise of all such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

Fourth—To purchase necessary or convenient books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may be necessary, when in its judgment suitable buildings, or portions thereof, have not been provided by the legislative body of the city of Oakland.

Sixth—To require the Secretary of State and other State officials to furnish said library with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same, with other libraries, and to allow non-residents to borrow books upon such conditions as it may prescribe.

Eighth—To establish such branch libraries and reading rooms as the growth of the city may from time to time require.

Ninth—To accept from donors suitable articles for museums and art galleries, and when in its judgment proper means have been provided it shall locate, erect, and equip said museums and art galleries, and manage and control the same in the manner that it manages and controls the libraries and reading rooms.

Tenth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Section 133.

c. The legislative body of the city of Oakland shall in making the annual tax levy and as part thereof levy a tax not to exceed one mill on the dollar for the purpose of establishing and maintaining in such city free public libraries and reading rooms, and purchasing such books, journals, and other publications, purchasing and leasing such real and personal property and erecting such buildings as may be necessary therefor.

f. The revenue derived from such tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the city treasury and apportioned to a fund to be designated the library fund, and be applied only to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions of terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made only on warrants passed in open meeting by the board, and duly certified by the president and secretary thereof.

g. The Oakland Free Library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library trustees; and *provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

h. The board of library trustees may contract with the legislative bodies of neighboring municipalities or the board of supervisors of Alameda County for lending the books of the library to residents of said county or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipalities.

i. The title to all property acquired for the purposes of the Oakland Free Library, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city of Oakland, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

j. The board of library trustees shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the State Librarian at Sacramento.

k. The council concurrently with board of public works shall have power to appropriate, and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the library and reading rooms, or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use.

l. In the event that this said amendment to Section 133 is ratified by the legislature of State of California on or before March 31, 1909, then and in that event the term of office of any person elected or then occupying position of library trustee shall cease immediately on the expiration of March 31, 1909, and the office of library trustee shall by virtue of said ratification of this said amendment to Section 133 be deemed vacant as of time last mentioned and said vacancies in the offices of library trustees shall be filled by appointment as herein provided. In the event that persons are elected to office of library trustees at municipal election held in city of Oakland on March 8, 1909, such persons (anything to the contrary in this charter notwithstanding) shall not take office or qualify in the event that said amendment to Section 133 is ratified on or before March 31, 1909, by legislature of State of California, but the offices of library trustees shall be filled by appointment as herein provided.

This proposed amendment to said section one hundred and thirty-three (133) shall be known as Amendment Number Two (2) to the charter of the city of Oakland.

That a new subdivision to Section 31 be added to said Section 31, said new subdivision to be known as Subdivision 52, and to read as follows:

52. To provide for the construction, maintenance and use of and on the water front of the city of Oakland, wharves, docks, slips, warehouses, railroads and all other necessary or desirable improvements; to grant franchises as now or hereafter provided by law, and also for the construction and use of wharves, docks, slips, warehouses, railroads and railroad terminals on the water front; to prescribe the number and compensation of wharfingers, agents and employees necessary to carry into effect the powers concerning the water front now possessed, or conferred upon the council of

the city of Oakland or the board of public works and all powers of the city of Oakland concerning the water front; to provide for and direct the maintenance or defense of all suits or actions at law or equity or otherwise on behalf or against the city of Oakland, involving said water front of the city of Oakland, or any land, water, property, or improvements therein or the control, use, regulation, possession or title thereof, or necessary to enforce powers possessed or hereby conferred on the city of Oakland; to provide for and direct the acquisition by the city of Oakland either by purchase or condemnation of lands and improvements or lands or improvements within the limits of the city of Oakland, or adjacent thereto, necessary for the development and use of water front of the city of Oakland, and may declare such lands or premises so acquired by purchase or condemnation to be a part of the water front of the city of Oakland.

This proposed amendment to Section 31, shall be known as Amendment Number Five (5) of the charter of the city of Oakland.

That a new section be added to said charter of the city of Oakland, the said section to be known as 71a, and said new Section 71a shall read as follows:

71a. The board of public works shall, subject to such ordinances as the council may from time to time adopt, have full power to regulate, control, operate and manage the use of the water front of the city of Oakland, and all wharves, docks, slips, warehouses, railroads and other improvements thereon; to direct and control the anchorage and dockage of vessels either within or without the limits of the city of Oakland; to collect all rents, tolls, dockage, wharfage or other charges or payments due the city for the use of the water front or any portion thereof or improvements thereon, and to enforce payment thereof by suits or actions at law or other legal means; to remove all obstructions, encroachments or structures that are unlawful or unauthorized or without warrant of law upon the water front and to employ, govern and dismiss such wharfingers, agents, and employees as may be necessary for carrying into effect the powers concerning water front now possessed by the city of Oakland or hereafter conferred upon it, or upon the council of the city of Oakland or upon the board of public works, and prescribe their number and compensation.

This proposed amendment entitled Section 71a shall be known as Amendment Number Six (6) of the charter of the city of Oakland.

That Section 31, Subdivision 29 of said charter of the city of Oakland be amended to read as follows:

29. It shall be the duty of the council and the council is hereby required to grant to any railroad company or corporation applying therefor, a franchise to lay and maintain tracks along any line selected by the applicant and to pass with steam railroads along, upon and across or elevated above or placed below any street or streets within that portion of the city which lies west and south of a dividing line commencing at the point where the east line of Hallock street intersects the present charter line of the city, and running thence southwardly in a straight line to the northwesterly corner of block 770; thence southwardly along the east side of Wood street to the northeasterly corner of Taylor and Wood streets; thence on a curve with a radius of three quarters of a mile to a point where said curve intersects the south line of the right of way of the Western Pacific Railroad Company, now occupied by the Southern Pacific Company, near the foot of Cypress street extended southwardly, and thence along the said line of said right of way of the Western Pacific Railroad Company until the same intersects the present eastern charter line of the city. And in case that the limits of the city be hereafter extended northwardly and eastwardly, the said dividing line shall be extended northwardly to the northern limits of the city, keeping parallel with and 300 feet east of the right of way of the Northern Railway Company; and shall be extended eastwardly to the eastern limit of the city, keeping along the southerly line of said right of way of the Western Pacific Railroad Company. And the council shall, upon said portion of the city, grant equal privileges, subject to the general laws of the State of California, to all railroad companies or corporations to enter the city and operate and maintain railroads for the convenience of the public to and upon the water front of the city, and shall grant to such companies or corporations, without discrimination between them, the right to construct and maintain freight and passenger depots, engine houses, workshops, wharves, docks, slips, ferries, landing places and other terminal facilities; *provided*, that no franchise for terminal facilities upon land exceeding 1,000 feet of frontage on the water front shall be granted to any one company or corporation, or to any companies or corporations under one management and control; *provided, however*, that the council of the city of Oakland within the territory next hereinafter described may grant franchises for terminal facilities upon land exceeding one thousand feet of frontage on the water front to any person, company or corporation, or to any companies or corporations under one management or control. All that certain lot, piece and parcel of land situated in the county of Alameda, State of California, and bounded on the north by the north side of the Oakland mole and its continuation known as Long Wharf and the Oakland mole produced easterly to Pine street, as they at present exist; on the south by a line drawn parallel to and distant 1085 feet northerly from the north line of the franchise heretofore granted by the city of Oakland to the Western Pacific Railway Company; on the west by a line passing through the western extremity of the passenger ferry slip at the end of

Oakland mole and running due north and south: on the east by the western line of Pine street, and said Pine street produced southerly.

This said proposed amendment to said Section 31, Subdivision 29 shall be known and described as Amendment Number Seven (7) to the charter of the city of Oakland.

That Section 31, Subdivision 30 of said charter of the city of Oakland be amended to read as follows:

30. The council shall, upon the portion of the city designated in the preceding subdivision of this section, grant, subject to general laws, to all companies or corporations desiring to acquire or condemn property for public uses, equal privileges to construct and maintain wharves, docks, slips, landing places, ferries, warehouses and other properties devoted to public uses, but not upon land exceeding 1,000 feet of frontage upon the water front to any one company or corporation, or to any companies or corporations under one management and control, *provided, however*, that upon the land secondly described in the preceding subdivision of Section 31, the council of the city of Oakland may grant for said purposes franchises exceeding one thousand feet of frontage upon the water front to any person, company or corporation, or to any companies or corporations under one management or control.

This proposed amendment to said Section 31, Subdivision 30 shall be known and described as Amendment Number Eight to the charter of the city of Oakland.

AND WHEREAS, The said proposed amendments to the charter of the city of Oakland, so ratified as aforesaid, and as hereinbefore set forth, are now submitted to the Legislature of the State of California, for approval or rejection as a whole.

STATE OF CALIFORNIA,
County of Alameda, } ss.
City of Oakland, }

This is to certify that we, Frank K. Mott, mayor of the city of Oakland, and Frank R. Thompson, clerk of the city of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the city of Oakland, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city of Oakland, at a special election called for that purpose, on Friday, the fifth day of March, one thousand nine hundred and nine (1909), and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth therein, are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Oakland to be attached, this 9th day of March, one thousand nine hundred and nine.

(SEAL OF THE
CITY OF OAKLAND.)

FRANK K. MOTT,

Mayor of the City of Oakland.

FRANK R. THOMPSON,

City Clerk of City of Oakland.

Now, therefore, be it

Resolved, by the senate of the State of California, the assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein). That the said amendments to the said charter of said city of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Oakland, be, and the same are hereby approved as a whole, for and as amendments to and as part of the said charter of said city of Oakland.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 17 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Concurrent Resolution No. 17 considered engrossed, and ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 294, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the further consideration of Senate Bill No. 294 be postponed until such time as it should be returned from print and be called up by the author.

Motion carried.

MOTION.

Senator Estudillo moved that the consideration of Senate Bill No. 55, set as a special order for eight o'clock P. M. this day, be postponed until Friday, March 12, 1909, at eight o'clock P. M.

Motion duly seconded.

Senator Price moved as a substitute that Senate Bill No. 55 be made a special order for this day at two o'clock P. M.

The motion to substitute was duly seconded.

The question being upon the substitute.

The roll was called, and the Acting President declared the substitute adopted by the following vote:

AYES—Senators Anthony, Birdsall, Boynton, Curtin, Cutten, Finn, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Sanford, Savage, Stetson, Strobridge, Weed, Welch, and Wright—20.

NOES—Senators Bates, Bell, Bills, Black, Caminetti, Campbell, Cartwright, Estudillo, Hare, McCartney, Miller, Rush, Thompson, Walker, Willis, and Wolfe—16.

POINT OF ORDER.

Senator Wolfe made the point of order that the substitute was in the nature of a suspension of Joint Rule No. 8 of the Joint Rules of the Senate and Assembly, and required a two-thirds vote for adoption.

Whereupon the Acting President declared the point of order well taken, and the substitute refused adoption by the above vote.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-six minutes P. M., on motion of Senator Wolfe, the hour of recess was extended five minutes.

CONSIDERATION OF MOTION—(RESUMED).

The question now being upon the original motion by Senator Estudillo, to postpone the consideration of Senate Bill No. 55 until Friday, March 12, 1909, at eight o'clock P. M.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Cutten, Estudillo, McCartney, Roseberry, Rush, Stetson, Thompson, Walker, and Wright—16.

NOES—Senators Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Price, Sanford, Savage, Strobridge, Weed, Welch, Willis, and Wolfe—18.

MOTION.

Senator Curtin moved that the consideration of Senate Bill No. 55 be made a special order for Monday, March 15, 1909, immediately after the reading of the Journal.

Motion duly seconded.

Senator Walker moved as a substitute that Senate Bill No. 55 be made a special order for this day at three o'clock and thirty minutes P. M.

The motion to substitute was duly seconded.

Substitute refused adoption.

The question now being upon the original motion by Senator Curtin.

The motion was carried.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

SPECIAL ORDER SET.

Senator Campbell moved that the consideration of Senate Constitutional Amendment No. 4 be made a special order for Friday, March 12, 1909, immediately after the reading of the Journal, preceding the special order heretofore set for that hour.

Motion carried.

QUESTION OF PERSONAL PRIVILEGE.

Senator Cartwright arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I rise to a question of personal privilege. I notice in the morning papers that I am quoted as referring to Mr. Drew, Assemblyman from Fresno, in very uncomplimentary terms. I desire to say that I do not claim to have been misquoted, but that in the debate it became necessary to refer to the course pursued by Mr. Drew after the passage of the County Division Bill two years ago. Senator Miller had charged Mr. Drew with acting in bad faith and had saddled the responsibility for Mr. Drew's course upon the people of Fresno County. I defended the people of Fresno County and showed that Mr. Drew's course was followed by him in opposition to the earnest protest of the Bar Association, the Chamber of Commerce, and the good people of Fresno. In doing this I did not intend to reflect upon the integrity of Mr. Drew nor to charge him with intentional bad faith, but in the heat of impromptu debate I misstated my own position to that extent. Mr. Drew and I differ politically and frequently differ upon other matters, but we have always been personal friends, and I trust that our friendship may continue. I still believe that his course two years ago was improper, but I do not question the honesty of his motives. I think it was a case of mistaken zeal in the defense of Fresno County.

LEAVES OF ABSENCE.

Senator Stetson was, on motion of Senator Miller, granted leave of absence for this day.

Senator Savage was, on his own motion, granted leave of absence for this day.

Senator Welch was, on his own motion, granted leave of absence until Monday, March 15, 1909.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mrs. Chas. A. Barling and daughter, Vuela, of Stockton.

Also :

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. E. E. Webster of Pasadena.

Also :

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Patton of San Francisco.

COMMUNICATION.

The following communication was presented by the President of the Senate, and ordered printed in the Journal :

THE VICE-PRESIDENT'S CHAMBER.
WASHINGTON, D. C., March 6, 1909.

GENTLEMEN: I wish to acknowledge receipt of the telegraphic information of the adoption by the California Legislature of a congratulatory resolution upon the induction into office of President Taft and myself, and to ask you particularly to thank the Legislature for this action, and to offer my appreciative acknowledgment for the pleasantly expressed preamble to the resolution and the cordial good will evidenced by the resolution itself.

I beg to subscribe myself, with the utmost regard and esteem,

Faithfully yours,

J. S. SHERMAN.

HON. WARREN R. PORTER, President of the Senate.
HON. PHILIP A. STANTON, Speaker of the Assembly.
Sacramento, Cal.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Black, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 1082—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1082 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Campbell, Cartwright, Hare, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 920 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Stetson gave notice that on next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bill No. 920 was this day finally passed.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r and 1426s, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing Acts in conflict herewith.

Also: Senate Concurrent Resolution No. 9—Approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.

Also: Senate Concurrent Resolution No. 15—Relative to inauguration of Hon. William H. Taft and Hon. James S. Sherman.

Also: Senate Joint Resolution No. 15—Relating to the changing of old names of the United States forest reserves.

Also: Senate Joint Resolution No. 2—Relative to purchase by Federal Government of Henry Ranch at Atascadero, California, for military camps, maneuvers, and rifle ranges for regular troops and national guard.

Also: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Senate Bill No. 96—An Act to add a new section to the Penal Code of California, relating to the desecration, mutilation or improper use of the flag of the United States of America.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of superior judges.

Also: Senate Bill No. 232—An Act to repeal section six hundred and forty-four of the Penal Code, relating to enticing seamen to desert their vessels.

Also: Senate Bill No. 147—An Act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Also: Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee, or to engage in the business of banking.

Also: Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas, and the injury, obstruction, or alteration of gas meters.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 799—An Act to amend section number 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 800—An Act to amend section number 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation, joint levees or other joint works of reclamation.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof to any person, firm, or corporation for the purpose of irrigation, or for any other lawful use.

Also: Committee Substitute for Senate Bill No. 41—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637c, and relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight c, to prevent the catching of surf-fish, yellow-fin, or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I of the Political Code of California by adding a new section to said Article I, to be numbered three hundred forty-four, relating to fish and game commissions.

Also: Senate Bill No. 514—An Act to amend Section 1274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Eel River, and the entrance thereto, and Humboldt and Trinidad bays, and the waters of the Pacific ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered Section 633, relating to the protection and preservation of golden trout.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also: Senate Bill No. 647—An Act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization and collection of taxes of the State and counties.

Also: Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also: Senate Bill No. 771—An Act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn, and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa, State of California.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March

19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 10b of said Act.

Also: Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor, or person, offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

And report that the same have been correctly enrolled, and presented the same to the Governor on this eleventh day of March, 1909, at twelve o'clock M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1173—An Act to amend Sections 4, 6, 8, 9, 10, 11, 12, 14, 16, and 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide for the continuance of proceedings and actions for improvements under said Act commenced prior to and pending at the time of the taking effect of this Act.

Also: Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 566—An Act to amend Sections 18 and 19 of an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 11, 1893, all relating to commitments to, or paroles and discharges from, said school.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 1173, 490, and Committee Substitute for Senate Bill No. 566 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Resolved by the Assembly, the Senate concurring. That immediately after the adjournment of the present session of the Legislature, the superintendent of the State Capitol be, and he is hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

Assembly Concurrent Resolution No. 6 read, adopted, and ordered transmitted to the Assembly.

Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees, and fixing their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 finally passed by the following vote:

AYES—Senator Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Cullen, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 686 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cartwright, Cullen, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 686 was this day finally passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code, by defining the duties of the Superintendent of Public Instruction.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 687 was temporarily passed on file, to retain its place.

Assembly Bill No. 298—An Act to amend Section 531 of Article XII of the Political Code, relating to the duties of the Superintendent of State Printing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 298 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Curtin, Estudillo, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 298 was this day finally passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 411—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages, or deaths, occurring at periods when there existed no statutes in this State for the registration of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Cartwright, Curtin, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, The defense of the Pacific seaboard by a fleet adequate in point of numbers and power to meet and repel, if need be, the attempted invasion of the territory of the United States by any enemy, and commensurate with the dignity, affluence, and commercial importance of that portion of the country which faces the Pacific Ocean, is at least, as necessary to the welfare of the nation as is the defense of the Atlantic seaboard; and

WHEREAS, A fleet of sufficient strength riding the waters of the Pacific would conduce to the establishment of confidence and the preservation of peace among the nations of the earth; and

WHEREAS, It is the duty and indisputable right of the Federal Government to provide adequately for the protection of the sovereign people and the sovereign states; and

WHEREAS, Although we believe in the protestations of good will of all nations toward this Union of States, nevertheless, it is unwise and unfair to the people, interests and states on the Pacific coast to refuse them ample protection against any contingency which may hereafter arise to menace their lives, their liberty, or their property; therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with those nations which now maintain fleets of ships of war in the Pacific waters.

Assembly joint resolution read.

The question being upon the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cartwright, Cutten, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Assembly Joint Resolution No. 7 ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 15.

Relative to an appropriation for the fortification of San Pedro Harbor at San Pedro, California.

WHEREAS, In the general army appropriation bill now pending before Congress there is an item of four hundred thousand dollars for the fortifications at San Pedro harbor at San Pedro, California; be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable

means necessary to retain said item in and secure the passage of such bill; be it further

Resolved, That the Chief Clerk transmit a copy hereof to each of our Representatives in Congress.

Assembly Concurrent Resolution No. 15 read, adopted, and ordered transmitted to the Assembly.

Assembly Bill No. 1228—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1228 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cartwright, Cutton, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1043—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering, or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1043 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cutton, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Stetson, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 264—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 651—An Act to make uniform the law of warehouse receipts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 656—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,'" approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board,' approved March 26, 1895,' approved March 23, 1901,' approved March 18, 1905."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 784—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to amend Section 1 of an Act entitled "An Act imposing a license tax upon itinerate vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28—An Act to amend the title of Sections 1, 7, 8, and 9 of an Act entitled "An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 29—An Act to amend Sections 3, 6, 9, 10, 11, 12, 14, 15, 16, and 20 of an Act entitled "An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns, and adding a new section to the Political Code, to be known as Section 1616a.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 259 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1210—An Act to amend Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to streets improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1210 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Cartwright, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price,

Reily, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read :

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States army and navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be re-referred to Committee on Finance.

STETSON, Chairman.

Senate Bill No. 823 ordered referred to Committee on Finance

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 781—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Assembly Bill No. 781 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1120 refused final passage by the following vote:

AYES—Senators Black, Burnett, Caminetti, Cutten, Finn, Hare, Reily, Roseberry, Rush, and Walker—10.

NOES—Senators Anthony, Bates, Bell, Bills, Estudillo, Hartman, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Weed, Welch, Willis, and Wolfe—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1120 was this day refused final passage.

Assembly Bill No. 134—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the

penalties therefor." approved February 12, 1903, approved March 18, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Estudillo, Hare, Hartman, Kennedy, Lewis, Martinelli, McCartney, Miller, Roseberry, Walker, Weed, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and twenty-seven minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 136—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 finally passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Caminetti, Campbell, Curtin, Estudillo, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

On motion of Senator Kennedy, Assembly Bill No. 138 was temporarily passed on file, to retain its place.

Assembly Bill No. 139—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Walker, Weed, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 196—An Act to provide county library systems.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Roseberry, Rush, Walker, Weed, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1138—An Act to amend Section 1552 of the Political Code of the State of California, relating to traveling expenses of county, and city and county superintendents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1138 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Burnett, Caminetti, Campbell, Cutten, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Walker, Weed, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 294, the same was taken up for consideration.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 11, page 4, line 4 thereof, after the word "state", the following: "and all common carriers".

The question being upon the motion to refer.

The roll was called, and the motion to refer lost by the following vote:

AYES—Senators Bell, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Hare, Miller, Roseberry, Sanford, Strobbridge, Thompson, and Walker—14.

NOES—Senators Anthony, Bates, Bills, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Rush, Weed, Welch, Willis, Wolfe, and Wright—20.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

Insert in Section 16, line 4 thereof, on page 6, after the word "Act", the following: "and to make rules and regulations to govern and regulate the transportation of persons and property by such transportation companies."

And:

By inserting in the same section, new line, after the word "rates", the following: "and rules and regulations."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new section numbered 16a to follow Sec. 16, and to be inserted after line 19 of Sec. 16, as follows:

Sec. 16a. The Railroad Commission shall have power, and it shall be its duty to fairly and justly classify and subdivide all freight and property, of whatsoever character, that may be transported by the railroad or other transportation companies of this State into such general and special classes or subdivisions as may be found necessary and expedient.

The commission shall have power, and it shall be its duty, to make and establish for each class or subdivision of freight a reasonable rate for each railroad or transportation company subject to this Act, for the transportation of each of said classes and subdivisions.

The classification herein provided for shall apply to and be the same for all railroads subject to the provisions of this Act.

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 18, page 8, line 23 thereof, after the word "inspected," the following: "Every such transportation company shall likewise file with the commission a copy of all agreements concerning joint freight and passenger rates and the division of the same with other railroad or transportation companies in so far as the same concern the transportation within this State of persons or property by said railroad or transportation companies, and it is hereby made the duty of said commission to immediately upon filing of the said schedules, rates, tariffs, rules, regulations and agreements to adopt and establish the same or to amend, change, alter or abolish the same, in whole or in part."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 38, lines 3 and 4, the words "except unintentionally or innocently through mistake of fact."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

On page 21, of the printed bill as amended, after Section 38 insert the following: "Sec. 38a. This Act shall not have the effect to release or waive any right of action by the State or any person for any right, penalty or forfeiture which may have arisen, or may hereafter arise, under any law of this State; and all penalties accruing under this Act shall be cumulative of each other, and a suit for or recovery of one shall not be a bar to the recovery of any other penalty."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 22, line 37, the words "one year", and inserting in lieu thereof the following: "two years."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 40. of the printed bill as amended, line 2, page 21, after the word "companies", the words "subject to the provisions", and inserting in lieu thereof the words "brought under." Also in the same section, page 22, line 5, after the second word "be" insert the words "prima facie".

Motion lost.

Senate Bill No. 294 ordered to engrossment.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Miller asked for, and was granted, unanimous consent to take up Assembly Bill No. 773 for consideration out of order.

Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 773 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Bills asked for, and was granted, unanimous consent to have Assembly Bill No. 709 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

During second reading of bill, the following amendments were offered by committee:

Strike out the quotation marks in lines 3, 7, 20-31, 48, 65, 82, 88, 112, 143, 164, 185, 187, 211, 220, 224, 232, 232f, 253, 257, 259, 263, 270, and 280.

Amendment adopted.

Also:

On page 3 strike out all of line 64.

Amendment adopted.

Also:

On page 5, line 172, strike out the word "in", and in lieu thereof insert the word "to".

Amendment adopted.

Also:

On page 6, line 186, strike out the word "hereinafter", and insert in lieu thereof the word "hereafter".

Amendment adopted.

Also:

On page 6, line 198, after the word "rate" insert the word "of".

Amendment adopted.

And:

On page 9 insert at the beginning of the line, following line 280, "Sec. 2."

Amendment adopted.

Also:

Offered by Senator Bills:

Amend by striking out of line 16, page 2, of the printed bill, after the word "annum", the period, and inserting in lieu thereof a semicolon and the following words: "one deputy, who shall be the registrar of voters, which office is hereby created, who shall receive a salary of two thousand four hundred dollars per annum, and a deputy or deputies, not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each: *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the State, and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them."

Amendment adopted.

Also:

On page 6, Section 12, line 187, of printed bill, strike out the words "three thousand", after the word "schools", and insert in lieu thereof the words "two thousand seven hundred".

Amendment adopted.

And:

On page 6, Section 12, line 194, of printed bill, strike out the first word thereof "five", and insert in lieu thereof the word "eight".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Also:

Senator Birdsall asked for, and was granted, unanimous consent to have Senate Bill No. 278 taken up for consideration out of order.

Senate Bill No. 278—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reilly, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wright, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Also: Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of two hundred fifteen thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 960—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars (\$1,725.00), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bills Nos. 90, 92, 635, 957, 960, and 1072 read first time.

Assembly Bills Nos. 90, 92, 635, 957, and 960 ordered on file without reference to committee.

Assembly Bill No. 1072 ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Also: Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Also: Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and making an appropriation for the same.

Also: Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 82—An Act authorizing and directing the State Board of Health to construct, furnish, and equip, on lands of the University of California, at Berkeley, a building to be occupied and used by the State laboratory for the analysis and examination of foods and drugs; appropriating the sum of \$10,000.00 therefor, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Com-

missioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 271—An Act authorizing the Controller of State to appoint an inheritance tax deputy, and prescribing his duties, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 964, 963, 596, 213, 128, and 82 read first time.

Assembly Bills Nos. 964, 963, 596, 213, 128, and 82 ordered referred to Committee on Finance.

Senate Bills Nos. 227 and 271 ordered to enrollment.

WITHDRAWAL OF BILLS.

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 39—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located in Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Senate Bill No. 39 withdrawn, and ordered stricken from the file.

Also:

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 43—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 43 withdrawn, and ordered stricken from the file.

Also:

Senator Black asked for, and was granted, unanimous consent to withdraw Senate Bill No. 504—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Senate Bill No. 504 withdrawn, and ordered stricken from the file.

Also:

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 715—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 715 withdrawn, and ordered stricken from the file.

Also:

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 713 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read :

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 472—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.

Also: Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Senate Bill No. 472 ordered on file for second reading.

Assembly Bill No. 622 ordered on file for second reading.

Also :

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 824—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bill No. 824 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Burnett asked for, and was granted, unanimous consent to withdraw Senate Bill No. 824—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator.

Senate Bill No. 824 withdrawn, and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Senate Bill No. 1195 temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 722—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.

Senate Bill No. 722 withdrawn, and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Senate Bill No. 913 temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 1261—An Act to amend Section twelve of an Act entitled "An Act to establish police courts in the cities of the first and one-half class, to fix their jurisdiction, and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to the imprisonment of persons convicted in police courts of cities of the first and one-half class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1261 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Cullen, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1254—An Act to authorize the deposit of certain newspaper files kept in recorder's office in free public libraries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1254 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 430 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum-bearing strata or formations by the penetration or infiltration of water therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 746—An Act to repeal Section 416 of the Civil Code of the State of California, relating to policies, how issued and by whom signed.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 2 on page 1.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 782—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 782 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer for the Superintendent of Public Instruction, and to fix their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Senate Bill No. 1199 temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 13, after the word "party," insert the following words: "or an order granting or denying a non-suit or a motion to strike out evidence or testimony."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

On motion of Senator Caminetti, Senate Bill No. 1033 was temporarily passed on file, to retain its place.

Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1009 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobidge, Thompson, Walker, Weed, Willis, Wolfe and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work; fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 990 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobidge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

During second reading of bill, the following amendments were submitted by committee:

On page 4, at the end of line 104, of printed bill, insert the following: "No company having a capital stock of at least \$200,000, and authorized to do in California the thirteenth kind of insurance, shall therein do the first or second or third kind of insurance, and must in addition to such capital stock of at least \$200,000 have \$50,000 of capital stock for each kind of insurance it may do therein other than the said thirteenth kind."

Amendment adopted.

And:

On page 4, line 122, of printed bill, after the word "Code", insert a new section, as follows:

"SEC. 2. The provisions of this Act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the

full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policy to the contrary.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 1112—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons." approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578, and 1582 of the Penal Code, relating to the government and management of State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1112 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1281—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1281 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the "period" after the word "code", in line 2, and inserting in lieu thereof the following: "of the State of California, relating to the duties of constables."

Amendment adopted.

Also:

Strike out all of line 2 after the word "amended", and all of line 3, and insert in lieu thereof the following: "to read as follows".

Amendment adopted.

Also:

In line 4, strike out the word "section".

Amendment adopted.

Also:

In line 1, after the word "Code", insert the following: "of the State of California".

Amendment adopted.

And:

Add to line 8 the following: "Constables shall charge and collect for their services such fees as are now or may hereafter be allowed by law."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars (\$6527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 745—An Act to amend sections twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 2, on page 1.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 1066—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide

for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts and parts of Acts amendatory thereof, approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1066 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Senate Bill No. 1229 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs, and plates

at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 544 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Wright moved that the consideration of Senate Bill No. 294 be made a special order for Friday, March 12, 1909, immediately after the reading of the Journal, preceding the special order heretofore set for that time.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 54—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An Act to amend Section 1199 of the Political Code of the State of California, relating to printing of ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 730—An Act of the board of supervisors of the county of Shasta to audit and pay the claim of George W. Bush for services as judge of the Superior Court of Shasta County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wright moved that the Senate take up the Special File of Appropriation Bills for consideration.

Motion duly seconded.

Senator Curtin moved to amend to the effect that each Senator who had not had a bill considered on the Members' Special Urgency File be now permitted to take up one bill for consideration.

Motion duly seconded.

The question being on the motion to amend.

The roll was called, and the motion to amend lost by the following vote:

AYES—Senators Birdsall, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Martinelli, McCartney, Miller, Price, Reily, Welch, and Willis—15.

NOES—Senators Bates, Bell, Bills, Black, Caminetti, Estudillo, Kennedy, Lewis, Roseberry, Sanford, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—16.

EXPLANATION OF VOTE.

Senator Wolfe asked for, and was granted, permission to explain his vote, as follows:

I voted "No" on the motion to amend because the effect of the motion, if carried, would be to break a rule of the Senate previously adopted.

CONSIDERATION OF MOTION—(RESUMED).

The question now being on the original motion.

Senator Price moved to amend to the effect that Senator Burnett be permitted to take up one for consideration.

Motion lost.

The question now being upon the original motion by Senator Wright.

Motion carried.

SPECIAL FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 214.

An Act to provide for the appointment of a commission to carry on the work mentioned and provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of this State is hereby authorized and empowered to appoint one person versed in matters relating to taxation, and a secretary, who shall be an expert on the science of finance and taxation, to carry on the work provided for in an Act of the Legislature of the State of California entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission and to define its powers, and making an appropriation therefor," approved March 20, 1905, and the persons so appointed shall carry on the work mentioned in this section, and shall constitute said commission, and the Governor shall be ex officio chairman thereof.

SEC. 2. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the purpose of carrying on the work mentioned and provided for in this Act; said money shall be expended and used for the purpose of paying the necessary expenses of the members of said commission while engaged in the performance of their duties, and for the salary of the expert herein mentioned, and for all necessary clerical, printing and other expenses connected with the work of carrying out the provisions of this Act. The claims for each shall be audited and approved by the Board of Examiners, in the manner provided by law, and when so approved, the State Controller is authorized to draw his warrant therefor, and the treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to have Assembly Bill No. 790 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, after the word "in", insert the words "and considered by".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Also:

Senator Caminetti asked for, and was granted, unanimous consent to have Senate Bill No. 166 taken up for consideration out of order.

Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Bill read second time, ordered engrossed, and on file for third reading.

Also:

Senator Campbell asked for, and was granted, unanimous consent to have Senate Bill No. 1178 taken up for consideration out of order.

Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials.

Bill read second time, ordered engrossed, and on file for third reading.

Also:

Senator Curtin asked for, and was granted, unanimous consent to have Assembly Bill No. 742 taken up for consideration out of order.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby, of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 742 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt,

Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Wright moved that the Secretary call the roll, and that each Senator, as his name was called, be permitted to take up one bill for consideration.

Motion duly seconded.

Senator Price moved, as a substitute, that the Senate take up the second reading file of Senate bills.

Motion duly seconded.

MOTION TO ADJOURN.

Senator Weed moved that the Senate do now adjourn.

Motion lost.

CONSIDERATION OF MOTION—(RESUMED).

The question being on the motion to substitute by Senator Price.

Motion carried.

SECOND READING OF SENATE BILLS.

Senate Bill No. 406—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 385—To amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 401—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 497—An Act relating to city justices' courts in cities organized under a freeholders' charter wherein a police court is created having exclusive jurisdiction in all prosecutions for violations of the ordinances of such city, and the enforcement of any obligation or liability prescribed or created by the ordinances of such city, and providing for the appointment of a clerk of such court, prescribing the powers and duties, and fixing the compensation of such clerk.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 989—An Act to amend Section 925 of the Penal Code, relating to grand juries.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding after the word "Code", in line 1 thereof, the words "of California".

Amendment adopted.

Also:

On page 1, after the enacting clause, insert the following: "Section 1. Section 925 of the Penal Code of California is hereby amended so as to read as follows:"

Amendment adopted.

And:

On page 1, line 1, strike out the word "Section" and the figure "1", and insert in lieu thereof the following: "925."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of California, relating to assignment to mortgagee of thing insured.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Section 2, on page 1.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1029—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 6, of printed bill, after the word "state", insert the words "upon property therein situated".

Amendment adopted.

Also:

On page 1, line 8, of printed bill, strike out the words "or guaranteed against", and insert a comma (,) after the word "insured".

Amendment adopted.

Also:

On page 1, printed bill, strike out all after the word "State", in line 10, down to and including the word "observed", in line 15, and insert in lieu thereof the following: "Any company violating the provisions of this section shall forfeit to the people of the State the sum of one hundred dollars."

Amendment adopted.

And:

On page 1, printed bill, in line 16, strike out all the remaining part of said bill after the word "property", and insert in lieu thereof the following: "owned or used in the operation of railroads in this State and other common carriers, nor affect any of the provisions of Section 596 of the Political Code as to surplus line brokers, nor affect reinsurance contracts between companies."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1033—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 25, printed bill, after the word "Code", insert the following: "Such deposit may, for all purposes of the insurance laws of this State, be treated as a part of the capital of the company making it."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1034—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of any insurance company.

During second reading of bill, the following amendment was submitted by committee:

On page 3, of printed bill, after line 65, add a new section to said bill, as follows: "The provisions of this Act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1035—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, of printed bill, just before the word "Section", insert the words "Section 1."

Amendment adopted.

And:

At the end of said bill add a new section, as follows:

SEC. 2. This Act shall take effect July 1st, 1909.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1039—An Act to amend Section 607 of the Political Code, as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, in line 7, of printed bill, after the word "company", strike out the balance of said line and all of line 8, and insert in lieu thereof the following: "verified as in this section provided."

Amendment adopted.

And:

On page 2, in line 22, of printed bill, after the word "therein", insert the words "if any there be,".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1045—An Act providing that life insurance policies shall constitute the entire contract.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 1, printed bill, strike out all of Section 1, and insert in lieu thereof the following:

SECTION 1. Every policy of insurance issued or delivered within this State on or after the first day of January, 1910, by any life insurance company doing business within this State shall contain the entire contract between the parties, and nothing shall be incorporated therein by reference to any constitution, by-laws, rules, application or other writings unless the same are endorsed upon or attached to the policy when issued, in which cases such endorsements or attachments shall be and become a part of the contract.

SEC. 2. The provisions of this Act shall not apply to industrial policies.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1046—An Act relating to the compensation of and contracts with officers, trustees, directors, and employees of life insurance companies.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 7, printed bill, after the word "Company", strike out all the balance of line 7, all of lines 8, 9, 10, 11, 12, and the words "agreement; and no", on line 13.

Amendment adopted.

Also:

On page 1, line 13, printed bill, before the word "officer", insert the word "No".

Amendment adopted.

Also:

On page 2, printed bill, strike out lines 16, 17, 18, and the words "renewal commissions", in line 19.

Amendment adopted.

Also:

On page 2, printed bill, strike out all of Sec. 2.

Amendment adopted.

And:

On page 2, of printed bill, in Sec. 3, line 1, strike out the words "Sec. 3", and insert in lieu thereof the words "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1036—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 23, after the word "authority", insert the words "issued by the Insurance Commissioner".

Amendment adopted.

Also:

On page 2, line 25, strike out the word "otherwise", and insert in lieu thereof the word "herein".

Amendment adopted.

Also:

On page 2, line 44, before the word "new" insert the word "a".

Amendment adopted.

Also:

On page 2, line 52, before the word "new" insert the word "a".

Amendment adopted.

Also:

On page 2, line 53, before the word "new" insert the word "a".

Amendment adopted.

And:

On page 3, line 56, strike out the words "voluntarily offered", and insert in lieu thereof the words "new bond is voluntarily offered to and approved by the Insurance Commissioner thereupon".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SENATOR LEAVITT IN THE CHAIR.

At nine o'clock and fifteen minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and a state inspector of plumbing, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers—have had the same under consideration, and respectfully report the same back, with recommendation that it be referred to the Committee on Labor, Capital, and Immigration.

ROSEBERRY, Chairman.

Assembly Bill No. 639 ordered referred to Committee on Labor, Capital, and Immigration.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1010—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work, or both, along the banks thereof—have had the same under consideration, and respectfully report the same back, and recommend that same do pass and be referred to Committee on Finance.

WRIGHT, Chairman.

Senate Bill No. 1010 ordered referred to Committee on Finance.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Assembly Bill No. 137 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of life and limb of workmen employed in such buildings from falling through joists or girders and from falling sticks, rivets, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Assembly Bill No. 191 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 508 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof, have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BATES, Chairman.

Assembly Bill No. 84 ordered on file for second reading.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1031—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1032—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1028—An Act to amend Section 608 of the Political Code, as to transfers from State to Federal Court.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating, or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1037—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1047—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1048—An Act relating to vouchers for certain disbursements of life insurance companies in this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1051—An Act defining the status of persons soliciting life insurance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 750—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 392—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or information.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 379—An Act to amend Sections 241 and 242 and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 380—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code, and to amend Section 903 of the same Code, all relating to grand juries.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1186—An Act to amend Section 869 of the Penal Code of the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by striking out of line 2 thereof the words "the State of".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "Code", insert the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, before the word "the", insert the figures "869."

Amendment adopted.

And:

On page 1, Section 1, lines 11, 12 and 13, strike out the following: "must have qualified as an official court reporter in the manner provided by section two hundred and seventy of the Code of Civil Procedure of the State of California", and insert in lieu thereof the following: "shall have the qualifications and shall have passed the test of competency prescribed in section two hundred and seventy of the Code of Civil Procedure of California for the position of official reporter, and upon demand of any applicant the Superior Court or any judge thereof shall appoint the committee and order the examination provided for in said section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1202—An Act to amend Section 622a of the Political Code, relating to taxes on insurance premiums.

During second reading of bill, the following amendments were submitted by committee:

On page 2, printed bill, line 22, strike out all after the word "December" down to and including the word "treasurer", in line 27, and insert in lieu thereof the following: "Said taxes to be paid in United States gold coin before the 20th day of May of each year. The Insurance Commissioner shall, on or before the 1st day of April of each year, certify to the State Controller and to the State Treasurer the amount of taxes so payable by each company and, at the same time, furnish to said company, at its main office in the State, a duplicate certificate, and demand payment in accordance therewith."

Amendment adopted.

And:

On page 2, printed bill, add two new sections to said bill, as follows:

Sec. 2. The provisions of this Act shall not apply to life insurance associations operating on the assessment plan or on the fraternal plan.

Sec. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1076—An Act providing for separation of certain territory from cities of the fourth, fifth, and sixth classes.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the words "fifty qualified voters thereof", and insert in lieu thereof the following: "forty per cent".

Amendment adopted.

And:

On page 2, Section 1, line 34, strike out the words "a majority", and insert in lieu thereof the following: "sixty per cent".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 2, line 3, strike out the word "Section".

Amendment adopted.

And:

On page 2, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Bill read second time, ordered engrossed, and on file for third reading.

WITHDRAWAL OF BILL.

Senator Walker asked for, and was granted, unanimous consent to withdraw Senate Bill No. 573—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Senate Bill No. 573 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Walker asked for, and was granted, unanimous consent to have Assembly Bill No. 26 taken up for consideration out of order.

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Bill read second time, and ordered on file for third reading.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Roseberry, the Special File of County Government Bills was taken up.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV to said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters and the selection and appointment of a registrar of voters in counties of the fifth class, and prescribing his powers, duties and compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out all after the first line, and inserting in lieu thereof: "to amend Section 4259 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the thirtieth class, their deputies and assistants."

Amendment adopted.

And:

On line 6, page 1, of the engrossed bill, strike out the words "thirty-three hundred", and insert in lieu thereof the words "three thousand".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, of the engrossed bill, strike out the word "Section"; also the words "Salaries and fees of officers of".

Amendment adopted.

Also:

On page 2, line 52, strike out the character and figures "\$2,000.00", and insert in lieu thereof "two thousand dollars".

Amendment adopted.

Also:

On page 3, line 57, strike out the character and figures "\$75.00", and insert in lieu thereof the words "seventy-five thousand dollars".

Amendment adopted.

Also:

On page 3, line 60, strike out the character and figures "\$1200.00", and insert in lieu thereof the words "twelve hundred dollars".

Amendment adopted.

Also:

On page 3, line 77, strike out the word "from", and insert in lieu thereof the word "of".

Amendment adopted.

And:

On page 5, line 152, strike out the words "determination of population" and the brackets.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 1221—An Act to amend Sections 3493 m and 3493 n of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article II a —was passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Caminetti moved that the further consideration of Senate Bill No. 1221 be made a special order for Monday, March 15, 1909.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER.)

Senator Thompson asked for, and was granted, unanimous consent to take up Committee Substitute for Senate Bill No. 906 for consideration out of order, for the purpose of amendment.

Committee Substitute for Senate Bill No. 906—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Thompson moved to refer to Senator Hare as a special committee of one to amend, as follows:

On page 3, line 77, after the word "hundred", insert the words "and fifteen".

Also:

On page 5, line 163, after the word "of", insert the word "one".

Also:

On page 7, line 53, strike out the word "four", and insert in lieu thereof the word "six".

Also:

On page 7, line 67, strike out the word "five", and insert in lieu thereof the word "four".

Also:

On page 7, line 69, strike out the word "six", and insert in lieu thereof the word "seven".

And:

On page 15, line 13, after the word "incurred", insert the words "in serving any criminal process or".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 906, with instructions to amend, respectfully reports the same back, amended as per instructions.

HURD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Also:

Senator Sanford asked for, and was granted, unanimous consent to have Senate Bill No. 1229 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Martinelli as a special committee of one to amend, as follows:

By inserting in Section 3681, line 7, after the word "may", the following: ", with the advice and consent of the assessor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1229, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARTINELLI, Committee.

Report of special committee of one, and amendment, adopted.

• Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Sanford, the Secretary was directed to issue a rush order for printing Senate Bill No. 1229.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 178—An Act to amend section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes, approved March 31, 1897."

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Also: Assembly Bill No. 178—An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Also: Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885;" to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California, and the regulation of the practice of dentistry in the State of California.

Also: Assembly Bill No. 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also: Committee Substitute for Assembly Bill No. 844—An Act to provide a site for an armory for the National Guard in the city and county of San Francisco, and making available and reappropriating certain moneys for the purchase of said site and the erection, equipment, completion, and furnishing of said armory.

Also: Assembly Bill No. 954—An Act to provide for the inspection of private institutions receiving moneys from the State.

Also: Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415a, relating to the office of the Secretary of State.

Also: Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402e.

Also: Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Also: Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Also: Adopted Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution relating to the election of superintendent of schools.

CLIO LLOYD, Chief Clerk of the Assembly.
L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 178 and 706 ordered to enrollment.

Committee Substitutes for Assembly Bills Nos. 320 and 844 read first time

Assembly Bills Nos. 178, 1255, and 1284 ordered on file, without reference to committee.

Committee Substitute for Assembly Bill No. 320 and Assembly Bill No. 1282 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 815 ordered referred to Committee on Judiciary.

Committee Substitute for Assembly Bill No. 844 and Assembly Bills Nos. 954, 1004, and 1313 ordered referred to Committee on Finance.

Assembly Constitutional Amendment No. 17 ordered referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1032—An Act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for State Capitol grounds.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 1032 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Senate Concurrent Resolution No. 17—Approving six certain amendments to the charter of the city of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the fifth day of March, one thousand nine hundred and nine.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 17 ordered to enrollment.

WITHDRAWAL OF BILLS.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 74 and 1134.

Senate Bill No. 74—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make appropriation for the same.

Senate Bill No. 1134—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the interior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.

Senate Bills Nos. 74 and 1134 withdrawn, and ordered stricken from the file.

Also:

Senator Cutten asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1104.

Senate Bill No. 1104—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.

Senate Bill No. 1104 withdrawn, and ordered stricken from the file.

ADJOURNMENT.

At nine o'clock and thirty-three minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, March 12, 1909 }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 11, 1909, the further reading was dispensed with, on motion of Senator Wright.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Hurd, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Also: Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Also: Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and making an appropriation for the same.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bill No. 823 ordered on file for second reading.

Assembly Bills Nos. 241 and 213 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution No. 17—Relative to the Alaska-Yukon-Pacific Exposition—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Assembly Concurrent Resolution No. 17 ordered on file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 17 taken up for consideration, out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 17.

Relative to the Alaska-Yukon-Pacific Exposition.

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific Coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint seven mem-

bers of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and the Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars is hereby appropriated, one half from the contingent fund of the Senate, and one half from the contingent fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized.

The Controller is hereby directed to draw his warrants in the sum of five thousand dollars, one half from the contingent fund of the Senate, payable to the President of the Senate, and one half from the contingent fund of the Assembly, payable to the Speaker of the Assembly, and the Treasurer is hereby directed to pay the same.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 17 adopted by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Caminetti, Cartwright, Curtin, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Assembly Concurrent Resolution No. 17 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

LEWIS, Chairman.

Assembly Bill No. 5 ordered on file for second reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration, to whom was referred Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and a state inspector of plumbing, and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

REILY, Chairman.

Assembly Bill No. 639 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bake shops and bakeries.

Also: Assembly Bill No. 1256—An Act to amend section three of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and

disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

ROSEBERRY, Chairman.

Assembly Bills Nos. 179 and 1256 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1175—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods—have had the same under consideration, and respectfully report the same back, with amendments, and the recommendation that it do pass as amended.

ROSEBERRY, Chairman.

Senate Bill No. 1175 ordered on file for second reading.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. T. C. Kierulff.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 1445, the same was taken up for consideration.

Assembly Bill No. 1445—An Act making an appropriation for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1445 finally passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Caminetti, Campbell, Cartwright, Curtin, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Constitutional Amendment No. 4, the same was taken up for consideration.

Committee Substitute for Senate Constitutional Amendment No. 4—Relative to the railroad commission.

SPECIAL ORDER POSTPONED.

Senator Campbell moved that the further consideration of Committee Substitute for Senate Constitutional Amendment No. 4 be made a special order for Monday, March 15, 1909, at three o'clock and thirty minutes P. M.

Motion carried.

Also:

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Anthony to reconsider the vote whereby Senate Constitutional Amendment No. 48 was refused adoption, the same was taken up for consideration.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Anthony moved that the vote whereby Senate Constitutional Amendment No. 48 was refused adoption, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, Mc Cartney, Price, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

SENATE CONSTITUTIONAL AMENDMENT NO. 48.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to section eleven thereof a new section, to be known as section twelve and one half, relating to county support of indigent veteran soldiers, sailors and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one fifth of a mill therefor.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that article eleven of the Constitution of the State of California be amended by adding thereto a new section to be numbered twelve and one half, and to read as follows:

SECTION 1. For the relief of indigent and suffering soldiers, sailors, and marines who served either in the War of the Rebellion, or in the war with Mexico, or in any of the Indian wars in the United States, or in the Spanish-American war or in the Philippine insurrection, and their families, and the families of said deceased soldiers, sailors, and marines needing assistance in any city, or town in this State, the board of supervisors of the county in which said city or town is situated, may provide such sum or sums of money as may be necessary, to be drawn upon by the commander or quartermaster of the Society of Mexican War Veterans, or of any post of the Grand Army of the Republic, or camp of the United Spanish War Veterans, in said city or town upon recommendation of the relief committee of said post or camp; *provided*, said soldier, sailor or marine or said families of those deceased shall have been residents of the State of California for at least two years prior thereto; and the orders of said commander and quartermaster shall be the proper voucher for the expenditure of said sum or sums of money.

SEC. 2. If there be no post of the Grand Army of the Republic, or camp of the United Spanish War Veterans in any county in which it is necessary that such relief, as provided for in Section 1 hereof, should be granted, the board of supervisors of another county, may accept and pay the orders drawn, as hereinbefore provided, by the commander and quartermaster of a post or camp, in the county in which relief is extended.

SEC. 3. If there be no post of the Grand Army of the Republic, or camp of the United Spanish War Veterans which shall undertake the relief of such indigent veterans and such families, as hereinbefore provided, before the acts of said commander and quartermaster may become operative in any city, town or county, said commander and quartermaster shall file with the county auditor of such county notice that such post or camp intends to undertake such relief, as is provided herein. Such notice shall contain the names of the relief committee of said post or camp in such city or county, and of the commander and other officers of said post or camp and the commander of said post or camp shall semiannually thereafter file a similar notice with said county auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each from the relief committee upon whose recommendations the orders were drawn.

SEC. 4. The county supervisors may require of the commander and quartermaster of any post of the Grand Army of the Republic, or camp of the United

Spanish War Veterans, undertaking to distribute such relief, a bond sufficient and satisfactory as surety for the faithful and honest discharge of such relief.

SEC. 5. County supervisors are hereby prohibited from sending indigent union or Spanish-American war soldiers, sailors or marines (or their families, or the families of the deceased) of the classes of persons mentioned in Section 1 hereof, to any almshouse, or orphanage, without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic or camp of the United Spanish War Veterans, having jurisdiction as provided in Sections 1 and 2 hereof. Indigent veterans with families, and the families of deceased veterans, shall, whenever practicable, be provided for and relieved at their homes in such city, town or county, in which they shall have a residence in the manner provided in Sections 1 and 2 hereof. Indigent or disabled veterans of the classes specified in Section 1 hereof, who are not insane, and have no families or friends with whom they may be domiciled, may be sent to any soldiers' home.

SEC. 6. It shall be the duty of the board of county supervisors in each of the counties of the State of California to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, or marine, who served in the army or the navy or the marine corps of the United States during the late rebellion, or in the war with Mexico, or in any of the Indian wars, or the Spanish-American war and the Philippine insurrection, and the wives or widows of said sailors, soldiers, or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not in any case exceed the sum of sixty dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses, not to exceed the sum of sixty dollars, shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section, and proof of expense incurred.

SEC. 7. The boards of county supervisors of the several counties in the State of California shall levy in addition to the taxes now levied by law, a tax not greater than one fifth of one mill, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, sailors, and marines who served in the War of the Rebellion, in the war with Mexico, or in any of the Indian wars in the United States, or the Spanish-American war, or the Philippine insurrection, and the indigent wives, widows, and minor children of such indigent or deceased soldiers, sailors, and marines, and who shall thereby be disbarred from any other similar relief by such board of county supervisors.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment the following substitute was offered by Senator Anthony:

SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 48.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to article eleven thereof a new section, to be known as section number twelve and one half, relating to county support for indigent and suffering veteran soldiers, sailors and marines of the Mexican, Indian, Civil or Spanish wars, or Philippine insurrection, together with their indigent families, and providing a county tax of not more than one fifth of a mill therefor.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that article eleven of the Constitution of the State of California be amended by adding thereto a new section, to be numbered twelve and one half, and to read as follows:

For the relief of indigent and suffering soldiers, sailors and marines who served either in the war with Mexico, Indian wars, war of the Rebellion, war with Spain, or Philippine insurrection, in the service of the United States, and the indigent father, mother, sister, brother, wife and child of any such veteran soldier, sailor or marine, the board of supervisors of any county, or city and county, in which such indigent person may reside, shall provide, and expend, such sum, or sums, of money as may be necessary therefor, to be drawn upon by the commander or quartermaster of the Society of Mexican War Veterans, or of any post of the Grand Army of the Republic, or camp of the United Spanish War Veterans, upon recommendation of the relief committee of such proper society, post or camp, in the county, or city and county, in which such indigent person may reside; and the orders of such commander and quartermaster shall be the proper voucher for the expenditure of said sum, or sums, of money; and provided further, that no such indigent person shall be entitled to any relief herein authorized, unless such indigent person shall have resided in the State of California for at least two years prior to any granting of any relief hereunder, for such indigent person.

If there be no society of Mexican War Veterans, or post of the Grand Army of the Republic, or camp of the United Spanish War Veterans, in any county, or city and county, in which it is necessary and proper that such relief contemplated herein be granted, then the board of supervisors of another county, or city and county, may accept, and pay, the orders drawn, as hereinbefore provided, by the commander and quartermaster of a post or camp, in the county, or city and county, in which the relief may be extended.

If there be no society of Mexican War Veterans, or post of the Grand Army of the Republic, or camp of the United Spanish War Veterans in the county of residence, and which could undertake the relief, of such indigent person therein, as provided herein, then, before any commander or quartermaster shall act hereunder, they, and each of them, shall file with the auditor of the county of residence of such indigent person a notice that such society, post, or camp intends to undertake the relief herein provided for such indigent person. Such notice shall contain the names of the relief committee of such society, post, or camp, in such county, or city and county, and of the officers thereof; and the commander of such society, post or camp shall semiannually thereafter file a similar notice with said auditor, and also a detailed statement of the amount, or amounts, of relief furnished hereunder during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement upon each case from the relief committee upon whose recommendation the particular order may have been drawn.

Boards of supervisors may require from any, and all, such commanders and quartermasters undertaking to distribute such relief, a sufficient bond as surety for the faithful and honest discharge of such relief.

Boards of supervisors are hereby prohibited from sending, or committing, any such indigent person to any almshouse or orphanage, without the consent of the commander and relief committee of the respective society, post or camp, having appropriate jurisdiction. Such indigent persons shall, whenever practicable, be provided for, and relieved at, their several homes. Indigent or disabled veterans of the wars herein enumerated, who are not insane, and who have no families or friends with whom they may be domiciled, may be domiciled at any soldiers' home.

It shall be the duty of boards of supervisors to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, or marine, who served in the army, navy or marine corps of the United States, during the war with Mexico, any Indian war, the war of the Rebellion, the war with Spain, or the Philippine insurrection, and the father, mother, sister, brother, wife, or child thereof, who shall hereafter die, in said county or city and county, after two years' residence therein, and not having means sufficient to defray necessary funeral expenses for such deceased; *provided*, that the expenses of such funeral shall not exceed the sum of sixty dollars in any case. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses, not to exceed the sum of sixty dollars, shall be paid to them or their representatives, by the county treasurer, upon verified proof of the death and burial of any such person provided for herein, and a verified proof of the expense incurred.

In addition to the taxes now levied by law, boards of supervisors shall levy a tax not greater than one fifth of one mill, upon the taxable property of their respective counties, or cities and counties, to be levied and collected according to law, for the purpose of creating a fund for the relief, and funerals, of such indigent persons.

Substitute read and adopted.

Senate constitutional amendment ordered to print and engrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Anthony, the Secretary was directed to issue a rush order for printing substitute for Senate Constitutional Amendment No. 48.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference on Senate Joint Resolution No. 3—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

Also: Concurred in Senate amendments to Assembly Bill No. 226.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Senate Joint Resolution No. 3 ordered to enrollment.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Burnett: Senate Concurrent Resolution No. 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms of the State Capitol.

Senate Concurrent Resolution No. 18 referred to Committee on Contingent Expenses.

RUSH ORDER TO PRINTER.

On motion of Senator Burnett, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 18.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Leavitt moved that the vote whereby Assembly Bill No. 298 was finally passed be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Cartwright, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

Assembly Bill No. 298 ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Stetson, Senator Leavitt moved that the vote whereby Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland—was finally passed, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Leavitt moved that the further consideration of Committee Substitute for Assembly Bill No. 920 be made a special order for Monday, March 15, 1909, immediately after the consideration of the special orders heretofore set following the reading of the Journal.

Motion carried.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Frank Holt of San Francisco.

Also:

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. Edgar C. Levey and Eli Gordon of San Francisco.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 1230—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses and taking evidence by the supervisors of a county when acting as a county board of equalization.

On motion of Senator Sanford, Senate Bill No. 1230 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 38.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

The Legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section three of Article XI of the Constitution of the State of California, be amended so as to read as follows:

Section 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however,* that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 38 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Constitutional Amendment No. 38 ordered to engrossment.

SENATE CONSTITUTIONAL AMENDMENT No. 50.

A resolution to amend the Constitution of the State of California by adding a new section, to be known as Section 7½ of Article 11 of the Constitution.

The Legislature of the State of California, at its thirty-eighth session, commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby proposes that Section 7½ be added to Article 11 of the Constitution of the State of California, to read as follows:

Section 7½. Any county having less than twenty-five thousand population may form a county charter for its own government, consistent with and subject to the Constitution, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such county at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a county charter for such county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the chairman of the board of supervisors, and the other to the recorder of the county. Such proposed county charter shall then be published in two papers of general circulation in such county, or if there be but one such newspaper published therein then in one only, for at least twenty days, if published in a daily paper or for three successive weeks if published in a weekly paper, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such county at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution and if approved by a majority vote of the members elected

to each house it shall become the county charter of such county, and shall become the organic law thereof. A copy of such county charter certified by the chairman of the board of supervisors and authenticated by the seal of such county, if there be one, having annexed thereto a statement setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval thereof by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office shall be deposited in the archives of the county and thereafter all courts shall take judicial notice of such charter. The charter so ratified may be amended at intervals of not less than two years by proposals therefor submitted by the legislative authority of the county to the qualified electors thereof at a general or special election held at least forty days after the publication of such proposals for at least twenty days, if published in a daily newspaper, or for three successive weeks if published in a weekly paper, of general circulation in such county, and ratified by a majority of the electors voting thereon and approved by the Legislature as herein provided for the approval of the county charter. Whenever fifteen per cent of the qualified voters of the county shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval the legislative authority thereof must submit the same. In submitting any such charter or amendments thereto any alternative article or proposition may be presented for the choice of the voters and may be voted upon separately without prejudice to others.

Senate constitutional amendment read.

The question being upon the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 50 refused adoption by the following vote:

AYES—Senators Black, Caminetti, Campbell, Cartwright, Hare, Sanford, and Thompson—7.

NOES—Senators Anthony, Bates, Bell, Bills, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Weed, Willis, Wolfe, and Wright—21.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Also: Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers, and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

Also: Senate Bill No. 1152—An Act to provide for the dedication to public use for street purposes of certain lands of the State Normal School at Los Angeles, to prescribe the conditions of such dedication, to authorize and empower the board of trustees of said State Normal School to convey said lands to the city of Los Angeles to public use for street purposes, and to authorize and empower said board of trustees to make certain changes, alterations, and repairs in the buildings and other improvements upon the lands of said State Normal School arising out of such dedication.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 525, 294, and 1152 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 294, the same was taken up for consideration.

Senate Bill No. 294—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties, and the powers and duties of transportation companies, their officers, and

employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 294 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

On motion of Senator Wright, Senate Bill No. 1237 was temporarily passed on file, to retain its place.

Senate Bill No. 325—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 325 passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Thompson, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1190 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Burnett, Cartwright, Cutton, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect.

On motion of Senator Caminetti, Senate Bill No. 1216 was temporarily passed on file, to retain its place.

Senate Bill No. 1177—An Act to add a new section to the Penal Code

of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1177 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutton, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.

On motion of Senator Caminetti, Senate Bill No. 743 was temporarily passed on file, to retain its place.

Senate Bill No. 802—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.

Senate Bill No. 802 temporarily passed on file, in the absence of the author, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and thirty-five minutes p. m., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 27—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents, and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents, and employees, and other persons, and providing penalties for such offenses.

Senate Bill No. 27 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

Senate Bill No. 448 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and

designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Senate Bill No. 553 temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 26—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction, and maintenance of state railway highways for steam, electric, motor, and other train service.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 26 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 13—Relative to this State acquiring lands by reversion and remainder over.

On motion of Senator Anthony, Senate Constitutional Amendment No. 13 was temporarily passed on file, to retain its place.

Senate Bill No. 507—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.

On motion of Senator Estudillo, Senate Bill No. 507 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILLS.

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Committee Substitute for Senate Bill No. 600—An Act authorizing the State Board of Prison Directors to fix the price, terms, and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.

Committee Substitute for Senate Bill No. 600 withdrawn, and ordered stricken from the file.

Also:

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 462—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.

Senate Bill No. 462 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 530—An Act to conserve the artesian and underground waters of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 530 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Strobridge, Walker, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501—An Act to amend Section 631b of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

On motion of Senator Sanford, Senate Bill No. 501 was temporarily passed on file, to retain its place.

Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Cartwright, Curtin, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Rush, Sanford, Savage, Strobridge, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 733 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Strobridge, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Caminetti, Senate Bill No. 742 was temporarily passed on file, to retain its place.

Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller as a special committee of one to amend, as follows:

By striking out of Section 1, line 6, the words "or any party."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 937, with instructions to amend, respectfully report the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Senate Bill No. 937.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 14, the same was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California, to be numbered Section 25 of article one thereof, to read as follows:

Section 25. The people shall have the right to fish along the shores of the ocean, bays, lakes, lagoons, estuaries and from the banks of all rivers, creeks, streams and other waters stocked with fish by the State; *provided* that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken.

Assembly concurrent resolution read.

During the reading of the Assembly concurrent resolution the following amendment was submitted by committee:

On page 1, line 8, strike out everything after the figures "25", and insert in lieu thereof the following: "The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, prisons, asylums or other public institutions, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the private or public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken; and *provided further*, that the Legislature shall provide by law for the purchase or condemnation of an easement on the shores of the ocean, bays, lakes, lagoons and estuaries, and the banks of rivers, creeks, streams, sloughs, or other waters, for the right of fishery thereon and therein, the title to which is now in individuals. Such right of fishery is hereby declared a public use, and shall after purchase or condemnation thereof, be for the use of the people forever, subject to restrictions that may be imposed by general law.

Amendment refused adoption.

Also:

Offered by Senator Curtin:

On page 1, line 8, strike out everything after the figures "25", and insert in lieu thereof the following: "The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may, by statute, provide for the season when and the conditions under which the different species of fish may be taken."

Amendment read and adopted.

Assembly constitutional amendment ordered to print.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 563—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations,

persons, firms, associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Read third time.

On motion of Senator Wright, Senate Bill No. 563 was temporarily passed on file, to retain its place.

Senate Bill No. 291—An Act granting the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the seawall line and pierhead line of San Diego harbor, as said lands are now established or as they may be hereafter established.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cutton, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,'" approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901," approved March 18, 1905.

Senate Bill No. 535 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 767—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Senate Bill No. 767 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 281—An Act to amend Section 397*b* of the Penal Code, relating to the sale, giving, or delivering of intoxicating liquors to minor children and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

On motion of Senator Black, Senate Bill No. 281 was temporarily passed on file, to retain its place.

Senate Bill No. 570—An Act to add a new section to the Political Code, to be known as Section 1197*c* thereof, providing for the rotation of the names of candidates in certain groups on the ballot.

On motion of Senator Boynton, Senate Bill No. 570 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Willis asked for, and was granted, unanimous consent to withdraw Senate Bill No. 184 - An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Senate Bill No. 184 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 455—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester and relating to their duties and terms of office.

Senate Bill No. 455 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' " approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Senate Bill No. 995 temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT NO. 51.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section six of article four thereof, relating to senatorial and legislative districts.

The Legislature of the State of California, at its regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California, by amending section six of article four thereof to read as follows:

Section 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty Senatorial districts as nearly equal in population as may be and composed of contiguous territory, and each thereof shall choose one Senator. Each county, or city and county, shall constitute an Assembly district, and the State shall be divided into as many additional Assembly districts as will make up the difference between the number of counties, or cities and counties, in existence at the time the apportionment is made, and the number of members of the Assembly; such districts to be as nearly equal in population as may be and composed of contiguous territory. Each of such counties, and cities and counties, and each

of such additional Assembly districts, shall choose one member of the Assembly. The Senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the Assembly districts shall be numbered one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such additional Assembly districts no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any such district. The census taken under the direction of the Congress of the United States, in the year one thousand nine hundred and ten, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as nearly equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Senate constitutional amendment read.

During the reading of the Senate constitutional amendment the following amendment was offered:

By Senator Caminetti:

Strike out all of Section 6, on pages 1 and 2, and insert in lieu thereof the following:

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into Senatorial and Assembly districts, as follows:

1. Into as many Senatorial districts as there are counties, and cities and counties, in the State, which shall be numbered in numerical order; and,

2. Into eighty Assembly districts which shall be numbered from one to eighty, in numerical order, commencing for said Senatorial and Assembly districts, at the northern boundary of the State, and ending at the southern boundary thereof.

Assembly districts shall be as nearly equal in population as may be, and composed of contiguous territory.

Each Senatorial district shall choose one Senator, and each Assembly district shall choose one member of the Assembly.

In the formation of such Assembly districts no county, or city and county, shall be divided unless it contains sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any such district. The census taken under the direction of the Congress of the United States, in the year one thousand nine hundred and ten, and every ten years thereafter, shall be the basis of fixing and adjusting the Assembly districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as nearly in equal population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any such district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

Amendment read and adopted.

Senate Constitutional Amendment No. 51 ordered to print and engrossment.

Senate Constitutional Amendment No. 12—Relative to recall by electors of elective officials.

Senate Constitutional Amendment No. 12 temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONCURRENT RESOLUTION SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 18.

A joint resolution to provide for an examination into State insurance systems of the various nations and states.

Be it resolved by the Senate, the Assembly concurring. That the State Librarian through the legislative bureau of the State Library be directed to examine to the extent that the same may be done by correspondence, into the operation and result of State insurance systems in the various nations and states, and to collect statistics, public reports, official and general data bearing on the working of such systems; such examination to have special reference to insurance systems now in operation for the benefit of laboring men.

Be it further resolved. That the State Librarian submit the result of such examination for the use of the next session of the Legislature.

Senate concurrent resolution substitute for Senate joint resolution read.

The question being upon the adoption of the Senate concurrent resolution substitute for Senate joint resolution.

The roll was called and Senate Concurrent Resolution Substitute for Senate Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cullen, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Senate Concurrent Resolution Substitute for Senate Joint Resolution No. 18 considered engrossed, and ordered transmitted to the Assembly.

Senate Bill No. 509—An Act to provide for the use of the credit of the State of California, for the establishment of a currency or an exchange medium.

Senate Bill No. 509 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

On motion of Senator Campbell, Senate Bill No. 223 was temporarily passed on file, to retain its place.

Senate Bill No. 458—An Act to provide for the levy and collection of tax on income.

On motion of Senator Sanford, Senate Bill No. 458 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted unanimous consent to withdraw Senate Bill No. 515—An Act to provide for health and development supervision in the public schools of the State of California.

Senate Bill No. 515 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1155 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnetts, Cullen, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 776—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32).

Senate Bill No. 776 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles, owned by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1152 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Curtin, Cutton, Estudillo, Hare, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Rush, Thompson, Walker, and Wright—21.

NOES—Senators Finn, Price, and Strobbridge—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

On motion of Senator Wright, Senate Bill No. 295 was temporarily passed on file, to retain its place.

Senate Bill No. 1215—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature.

On motion of Senator Caminetti, Senate Bill No. 1215 was temporarily passed on file, to retain its place.

Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

On motion of Senator Burnett, Senate Bill No. 1132 was temporarily passed on file, to retain its place.

Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

On motion of Senator Burnett, Senate Bill No. 1231 was temporarily passed on file, to retain its place.

Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

Senate Bill No. 1087 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1043—An Act relating to and providing as to the assignments of wages or salaries by employees.

Senate Bill No. 1043 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

On motion of Senator Hurd, Senate Bill No. 363 was temporarily passed on file, to retain its place.

Senate Bill No. 945—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 945 refused passage by the following vote:

AYES—Senators Bell, Caminetti, Hurd, Thompson, and Willis—5.

NOES—Senators Bills, Birdsall, Boynton, Cullen, Estudillo, Finn, Hare, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Sanford, Strobridge, Walker, Weed, Wolfe, and Wright—20.

Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1191 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Kennedy was, on his own motion, granted leave of absence until Monday, March 15, 1909.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribing his duties, to fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office, have had the same under consideration, and respectfully report the same back, without recommendation.

PRICE, Chairman.

Senate Bill No. 334 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code—have

had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Assembly Bill No. 806 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be referred to Committee on Finance.

WILLIS, Chairman.

Assembly Bill No 131 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 106 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Ralph Friedman of San Francisco.

Also:

On request of Senator Wolfe, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. C. H. Bentley of San Francisco.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, after the word "Code" insert the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Sec."

Amendment adopted.

Also:

On page 1, Section 1, line 16, after the word "compensation" insert the following: "and be paid by the county".

Amendment adopted.

Also:

On page 1, strike out all of Section 2.

Amendment adopted.

And:

Amend title of the bill by inserting after the word "Code" the words "of California."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 4, by striking out the word "clerk", and inserting in lieu thereof the words "assistant bookkeeper".

Amendment adopted.

Also:

Amend Section 1, line 6, by striking out the words "three thousand", and inserting in lieu thereof the words "two thousand seven hundred".

Amendment adopted.

Also:

Amend Section 1, line 7, by striking out the word "clerk", and inserting in lieu thereof the words "assistant bookkeeper".

Amendment adopted.

And:

Amend Section 1, line 8, by striking out the words "one thousand six hundred", and inserting in lieu thereof the words "two thousand".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810a, relating to conveyances by guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67a, relating to extra sessions of the Superior Court.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953a, 953b, and 953c, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Sec."

Amendment adopted.

And:

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, strike out the parenthetical marks on lines 5 and 7.

Amendment adopted.

And:

On page 1, strike out all of Section 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 10, strike out the words "to be", and insert in lieu thereof the following: "not to exceed twenty-four hundred dollars for any full term for which said grand jury shall have been impaneled, unless".

Amendment adopted.

And:

On page 1, Section 1, line 12, insert after the word "charges", the following: "It shall be the duty of every grand jury first impaneled in even-numbered years to investigate and report upon the needs of all county offices in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition or creation of offices and the equipment for, or the method or system of, performing the duties of the several offices, and it shall cause a copy of such report to be transmitted to each member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd-numbered years."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 141—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding after the word "Code", in line 2 thereof, the words "of the State of California".

Amendment adopted.

And:

On page 1, Section 1, line 3, after the word "Code" insert the words "of the State of California".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, before the letter "A", insert the word and figure "Section 1."

Amendment adopted.

Also:

Amend the title of the bill by striking out everything after the words "An Act", and inserting in lieu thereof the following: "To amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 1183a, relating to liens."

Amendment adopted.

Also:

On page 1, line 3, strike out the words "one half", and insert in lieu thereof the letter "a".

Amendment adopted.

Also:

On page 1, lines 3 and 4, strike out the words "to follow section one thousand one hundred and eighty-three of said Code".

Amendment adopted.

Also :

On page 1, line 1, after the word "Procedure", insert the words "of the State of California".

Amendment adopted.

And :

On page 1, Section 1, line 5, strike out the following: "Section 1183½", and insert in lieu thereof the following "1183a".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191a, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town, or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, after the word "the", insert the words "owner or".

Amendment adopted.

Also :

On page 1, Section 1, line 4, after the word "the", insert the words "owner or",

Amendment adopted.

And :

On page 2, line 15, after the word "such", insert the words "owner or".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section".

Amendment adopted.

Also :

On page 2, line 22, strike out the word "Section".

Amendment adopted.

Also :

On page 2, line 28, strike out the word "Section".

Amendment adopted.

And :

On page 2, line 34, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding after the word "Code", in line 1 thereof, the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "Code", insert the words "of the State of California".

Amendment adopted.

And:

On page 1, Section 1, line 3, strike out the word "Section", and the parenthetical marks before the letter "A".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title of the bill by adding after the word "Code", in line 1 thereof, the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "Code", insert the words "of the State of California".

Amendment adopted.

And:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867, and providing for the redemption of said coupons.

During second reading of bill, the following amendment was submitted by committee:

After the title, strike out everything down to the enacting clause, on page 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

During second reading of bill, the following amendment was submitted by committee:

After the title, strike out everything down to the enacting clause, on page 2.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 22, strike out the word "contains", and insert in lieu thereof the word "describes".

Amendment adopted.

And:

On page 2, strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on application to purchase the same.

During second reading of bill, the following amendment was submitted by committee:

On page 3, of the printed bill, strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading. Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874a, all relating to text-books.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 43, of the printed bill, strike out the word "Section" before the number "1874a".

Amendment adopted.

Also:

On page 3, line 62, of the printed bill, strike out the word "Section" before the number "1874b".

Amendment adopted.

Also:

On page 2, line 43, of the printed bill, strike out the word "Section" before the number "1874c".

Amendment adopted.

Also:

On page 4, line 97, of the printed bill, strike out the word "Section" before the number "1874d".

Amendment adopted.

Also:

On page 4, line 107, of the printed bill, strike out the word "Section" before the number "1874e".

Amendment adopted.

Also:

On page 5, line 129, of the printed bill, strike out the word "Section" before the number "1874f".

Amendment adopted.

Also:

On page 5, of the printed bill, line 145, strike out the word "Section" before the number "1874g".

Amendment adopted.

Also:

On page 6, line 167, of the printed bill, strike out the word "Section" before the number "1874h".

Amendment adopted.

Also:

On page 6, line 179, of the printed bill, strike out the word "Section" before the number "1874i".

Amendment adopted.

And:

On page 6, line 182, of the printed bill, strike out the word "Section" before the number "1874j".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section" before the number "1662".

Amendment adopted.

Also:

On page 1, Section 1, line 9, of the printed bill, after the word "instruction", strike out the following: "in the day elementary schools", and insert a period (.).

Amendment adopted.

And:

On page 2, Section 1, line 22, of the printed bill, after the word "age", insert the following: "provided that the average daily attendance of deaf children who are six years of age or older shall be counted as part of the average daily attendance in the day elementary schools."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 735—An Act to amend Section 1575a of the Political Code of the State of California, relating to clerks of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, and 1427 of the Political Code, all relating to Regents of the University of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No. 1, and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title by adding after the word "Code", in line 2 thereof, the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "Code", insert the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

And:

On page 3, Section 1, lines 61, 62, and 63, strike out the following words: "together with the sum of three dollars to be retained as a fee by the collector".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415¹/₂, relating to the office of the Secretary of State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and water plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 422 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Campbell, Cullen, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

On motion of Senator Bates, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Campbell, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and twenty-seven minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1119 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 687—An Act to amend Section 1532 of Article II of the Political Code, by defining the duties of the Superintendent of Public Instruction.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Black, Assembly Bill No. 687 was ordered re-referred to Committee on Education.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of this Act.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cutten, Hartman, Leavitt, Lewis, Martinelli, Miller, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes: the acquisition of property thereby; the calling and conducting of elections in such districts: the assessment, levy, collection, custody, and disbursement of taxes therein: the issuance and disposal of the bonds thereof, and the determination of the validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cutten, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight, or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Read third time.

On motion of Senator Hartman, Assembly Bill No. 16 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Senate Bill No. 995—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation of suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' " approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Senate Bill No. 995 withdrawn, and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1211 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cutten, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Strobbridge, Thompson, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and power.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 754 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cutten, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Campbell, Cutten, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

On motion of Senator Wolfe, Assembly Bill No. 727 was temporarily passed on file, to retain its place.

Assembly Bill No. 1443—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco harbor improvement fund the sum of \$22,937.45, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1443 finally passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Campbell, Cutten, Estudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1387—An Act to amend Section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1387 finally passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Black, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1388—An Act to amend Section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1388 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Strobridge, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

On motion of Senator Curtin, Assembly Bill No. 1125 was temporarily passed on file, to retain its place.

COMMUNICATION.

The following communication was presented by the President of the Senate, and ordered printed in the Journal:

THE WHITE HOUSE, WASHINGTON, March 6, 1909.

MY DEAR MR. PORTER: I heartily appreciate the very kind resolutions concerning myself adopted by the Legislature of the State of California on March 4th. Will you be good enough to convey to the members my cordial thanks for this vote of confidence.

Sincerely yours,

WM. H. TAFT.

Hon. WARREN R. PORTER, President of the Senate, Sacramento, California.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 617—An Act to amend Section 1207 of the Political Code of the State of California, relating to spoiled or unused ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 617 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city and town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

On motion of Senator Leavitt, Assembly Bill No. 574 was temporarily passed on file, to retain its place.

Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill order transmitted to the Assembly.

Assembly Bill No. 1042—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*d*, to prevent trespassing upon railroad locomotives, tenders, cars, and trains.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1042 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Thompson, Walker and Weed—22.

NOES—Senator Willis—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1042 was this day finally passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1419—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.
Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1419 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cullen, Estudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1020—An Act to amend "An Act to prohibit adulteration and deception in the sale of dairy products, defining the adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1020 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Campbell, Cullen, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1906.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 finally passed by the following vote.

AYES—Senators Anthony, Bates, Bell, Black, Campbell, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907, as may remain after the settlement referred to in said Act has been consummated, for the

purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

On motion of Senator Wright, Assembly Bill No. 1253 was temporarily passed on file, to retain its place.

Assembly Bill No. 1321—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1321 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 701—An Act to amend Sections 484, 485, 486, and 500 of the Political Code, relating to the salary of the Surveyor General and to the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 701 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Campbell, Cutten, Estudillo, Finn, Hartman, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 985—An Act to amend Section 4075 of the Political Code, relating to the itemizing of claims against a county.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 985 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Caminetti, Campbell, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 996—An Act to add a new section of the Penal Code, to be numbered 409c, relating to the taking, hiring, running, driving, or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 996 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1408—An Act to amend section five hundred and thirteen of the Political Code of the State of California, relating to the salary of the Superintendent of Public Instruction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1408 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cutten, Finn, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1154—An Act to amend Section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutten, Finn, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator McCartney as a special committee of one to amend, as follows:

By striking out of Section 1, subdivision 2, in line 6, the words "or reduce", at the end of line 6.

The question being on the motion to refer.

The roll was called, and the motion to refer carried by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Caminetti, Campbell, Cutten, Hartman, Leavitt, Miller, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Weed, Willis and Wolfe—19.

NOES—Senators Bates, Bills, Black, Boynton, Lewis, Martinelli, Walker, and Wright—8.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1115, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCARTNEY, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed issue a rush order for printing Assembly Bill No. 1115.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 431—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 431 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Campbell, Cullen, Hartman, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 233—Proposed amendments to municipal library law.

Read third time.

On motion of Senator Willis, Assembly Bill No. 233 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of harbor improvements, consisting of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 1102—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to the salaries and fees of county officers.

Also: Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Also: Senate Bill No. 1168—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Also: Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Also: Senate Concurrent Resolution No. 12—Relative to the acting Railroad Commissioners of the State of California, and their removal from office.

Also: Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Also: Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Also: Senate Bill No. 609—An Act to amend section four hundred and forty-two of the Code of Civil Procedure of California, relating to cross-complaints.

Also: Senate Bill No. 620—An Act to amend Section 795 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Also: Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

Also: Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Also: Senate Bill No. 1117—An Act to amend section three hundred and ninety-seven of the Political Code of the State of California.

Also: Senate Bill No. 859—An Act to amend section twelve hundred and sixty-five of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Also: Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Also: Senate Bill No. 861—An Act to amend Section 390a of the Civil Code of the State of California, relating to corporations.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Also: Senate Bill No. 1241—An Act amending the Political Code of the State of California by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State and to the sale and purchase thereof.

Also: Senate Bill No. 1170—An Act to amend Section 1235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Also: Senate Bill No. 466—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.

Also: Senate Bill No. 385—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.

Also: Senate Bill No. 401—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.

Also: Senate Bill No. 497—An Act relating to city justices' courts in cities organized under a freeholders' charter wherein a police court is created having exclusive jurisdiction in all prosecutions for violations of the ordinances of such city and the enforcement of any obligation or liability prescribed or created by the ordinances of such city, and providing for the appointment of a clerk of such court, prescribing the powers and duties, and fixing the compensation of such clerk.

Also: Senate Bill No. 1031—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Also: Senate Bill No. 1032—An Act to amend Section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this State.

Also: Senate Bill No. 1028—An Act to amend Section 608 of the Political Code as to transfers from State to Federal Court.

Also: Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Also: Senate Bill No. 1037—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.

Also: Senate Bill No. 1047—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Also: Senate Bill No. 1048—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Also: Senate Bill No. 1051—An Act defining the status of persons soliciting life insurance.

Also: Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies, transacting business in this State, or between officers, agents, or employees of any such companies relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Also: Senate Bill No. 750—An Act to add a new section to the Civil Code to be known as Section 2759, relating to fire insurance companies.

Also: Senate Bill No. 392—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 379—An Act to amend Sections 241 and 242, and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.

Also: Senate Bill No. 380—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code and to amend Section 903 of the same code, all relating to grand juries.

Also: Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Also: Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Also: Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

Also: Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Also: Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Also: Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Also: Senate Constitutional Amendment No. 38. A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Also: Senate Concurrent Resolution Substitute for Senate Joint Resolution No. 18. A joint resolution to provide for an examination into State insurance systems of the various nations and states.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 464, 1102, 1238, 1108, 1242, 816, 467, 606, 609, 620, 622, 867, 869, 1117, 859, 860, 861, 866, 1241, 1170, 406, 385, 401, 497, 1031, 1032, 1028, 1027, 1037, 1047, 1048, 1051, 748, 750, 392, 379, 380, 941, 1240, 1178, 166, 749, 1171, and 219 ordered on file for third reading.

Senate Concurrent Resolution No. 12, Senate Constitutional Amendment No. 38, and Senate Concurrent Resolution Substitute for Senate Joint Resolution No. 18 ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Willis asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 177, 176, 172, 175, and 474.

Senate Bill No. 177—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the

Southern California State Hospital at Patton, and to make appropriation for the same.

Senate Bill No. 176—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Senate Bill No. 172—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "the congregate dining-room," and to make appropriation for the same.

Senate Bill No. 175—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Senate Bill No. 474—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Senate Bills Nos. 177, 176, 172, 175, and 474 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS.

Assembly Bill No. 986—An Act making an appropriation to pay the expenses of inspection and analysis of drugs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 986 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutton, Estudillo, Hurd, Leavitt, Lewis, Martinelli, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 974—An Act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 974 passed by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Campbell, Cutton, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Rush asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 716, 48, 124, 126, 713, 123, 84, and 125.

Senate Bill No. 716—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Senate Bill No. 48—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Senate Bill No. 124—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing systems at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Senate Bill No. 126—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital, and to furnish and equip said building, and making an appropriation therefor.

Senate Bill No. 713—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Senate Bill No. 123—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 84—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 125—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Senate Bills Nos. 716, 48, 124, 126, 713, 123, 84, and 125 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 213—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 213 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Price asked for, and was granted, unanimous consent to withdraw Senate Bill No. 66—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to

be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Senate Bill No. 66 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—RESUMED.

Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in said building of a cold-storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

During the reading of the title, the following amendment was offered:
By Senator Caminetti:

Amend by striking out of title the words "breaches of the peace".

Amendment adopted.

Title read and approved, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1038—An Act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1038 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, Miller, Price, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Martinelli asked for, and was granted, unanimous consent to withdraw Senate Bill No. 200—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam-table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Senate Bill No. 200 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 696—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 620—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 620 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 114 was temporarily passed on file, to retain its place.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry.

On motion of Senator Caminetti, Assembly Bill No. 116 was temporarily passed on file, to retain its place.

Assembly Bill No. 118—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 118 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 120—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 120 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Lewis asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 76 and 105.

Senate Bill No. 76—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Senate Bill No. 105—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Senate Bills Nos. 76 and 105 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 256—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 256 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Campbell, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Stetson, Walker, Weed, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 959—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers and ambulance,

and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 959 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Campbell, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment buildings of the grounds of the Napa State Hospital, and to furnish and equip said buildings, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Campbell, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Campbell, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Campbell, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for

the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 95 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 96 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 97 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 164—An Act amending Section 3 of an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 finally passed by the following vote:

AYES—Senators Anthony, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242—An Act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 242 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162—An Act making an appropriation for the maintenance of the James Marshall monument grounds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 801—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutton, Estudillo, Hartman, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutton, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 787 and 795.

Senate Bill No. 787—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Senate Bill No. 795—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory at the California Polytechnic School.

Senate Bills Nos. 787 and 795 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES.—Senators, Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cutten, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1240 passed by the following vote:

AYES.—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to have the motion by Senator Leavitt to reconsider the vote whereby Committee Substitute for Assembly Bill No. 920 was finally passed (made a special order for Monday, March 15, 1909,) taken up for consideration at this time.

MOTION TO RECONSIDER CARRIED.

In compliance with the notice given on previous day by Senator Stetson, Senator Leavitt moved that the vote whereby Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland—was refused final passage be now reconsidered.

The motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Finn, Leavitt, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Weed, Wolfe, and Wright—21.

NOES—None.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Stetson moved to refer to Senator Wolfe as a special committee of one to amend, as follows:

On page 1, Section 1, line 3, strike out the words "situate lying and being", all of lines 4, 5, and 6, and in line 7 the words "said Lake Merritt and contiguous thereto, and", and insert in lieu thereof the following: "described as follows, to wit: Beginning at the point of intersection of the northern line of Twelfth-street dam and the eastern boundary line of lands heretofore granted unto the city of Oakland by the Oakland Water Front Company, by deed dated November 6, 1891; thence northerly following said last named boundary line to its intersection with or meets with the charter line of the town of Oakland as established in the charter of said town granted in the year 1852, or intersects said line, produced easterly; thence easterly along the said northern boundary line of said town of Oakland produced easterly to the boulevard as now constructed; thence southerly and southwesterly along the shore line of said boulevard as it now exists to the said northern line of said Twelfth-street dam; and thence westerly along said northerly line of said dam to the place of beginning, and also".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Assembly Bill No. 920, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Assembly Bill No. 920.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 490—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Leavitt, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission, to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1067 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1068 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1204 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 280—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipments of the same at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 280 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 276—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 276 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278—An Act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 810—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 810 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Campbell, Curtin, Cuten, Estudillo, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1135—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1135 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cuten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cuten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rush asked for, and was granted, unanimous consent to have Assembly Bill No. 955 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rush moved to refer to Senator Stetson as a special committee of one to amend, as follows:

By adding to Section 1, line 27, after the period after the word annum, the following: "He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund, and in the same manner, as the salaries of other county officers are paid."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 955, with instructions to amend, respectfully reports the same back, amended as per instructions.

STETSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Rush, the Secretary was directed to issue a rush order for printing Assembly Bill No. 955.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California.

Also: Senate Bill No. 194—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court, in the city of San Francisco.

Also: Senate Bill No. 321—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

Also: Senate Bill No. 555—An Act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred ninety-two a,

relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Also: Senate Bill No. 648—An Act to amend Section 4273 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

Also: Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

Also: Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of seventeen hundred dollars therefor.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the fish commission fund and the game preservation fund into a common fund, to be known as fish and game preservation fund.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.

Also: Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fourth class, their deputies and assistants.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twelfth day of March, 1909, at three o'clock and thirty minutes P. M.

BIRDSALL, Acting Chairman.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF APPROPRIATION BILL.

On motion of Senator Leavitt, the second-reading file of appropriation bills was taken up.

Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "the congregate dining-room," and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 212—An Act to provide for the enlargement and reroofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1368—An Act to amend Section 1 of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

On motion of Senator Price, Assembly Bill No. 1368 was temporarily passed on file, to retain its place.

Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars (\$5,000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the words "five thousand dollars (\$5,000)", and insert in lieu thereof the following: "three thousand dollars (\$3,000)".

Amendment adopted.

And:

On page 1, amend the title by striking out the words "five thousand dollars (\$5,000)", and inserting in lieu thereof the following: "three thousand dollars (\$3,000)".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reëquipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 178—An Act to provide for the building, equipment, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 112a, 114b, and 114c, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 542a, relating to attachments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789a, relating to conveyances by guardians.

Bill read second time, and ordered on file for third reading.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Senate Bill No. 525 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1195 passed by the following vote:

AYES—Senators Anthony, Bates, Boynton, Campbell, Cartwright, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 12—Relative to the acting Railroad Commissioners of the State of California, and their removal from office.

Senate Concurrent Resolution No. 12 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Senate Bill No. 913 temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Assembly Bill No. 940—An Act to prevent injury to oil, gas, or petroleum bearing strata or formations by the penetration or infiltration of water therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 940 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Campbell, Cartwright, Estudillo, Finn, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1199 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Campbell, Cartwright, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Campbell, Cullen, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Thompson, Walker, Weed, and Willis—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

On motion of Senator Campbell, Assembly Bill No. 1033 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Also: Senate Bill No. 746—An Act to repeal section four hundred and sixteen of the Civil Code of the State of California, relating to policies, how issued, and by whom signed.

Also: Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.

And report that the same have been correctly engrossed.

BELL, Acting Chairman.

Senate Bills Nos. 1229, 746, and 1030 ordered on file for third reading.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 746—An Act to repeal Section 416 of the Civil Code of the State of California, relating to policies, how issued, and by whom signed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 746 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Campbell, Cullen, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business, and specifying required capital stock and available cash assets.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1030 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Boynton, Campbell, Cullen Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Senate Bill No. 749 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other government bodies, and repealing conflicting Acts," approved March 22, 1905.

Senate Bill No. 467 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

On motion of Senator Sanford, Senate Bill No. 1229 was temporarily passed on file, to retain its place.

Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1238 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Burnett, Cartwright, Cullen, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, nine o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and thirty minutes P. M., Senator McCartney was brought to the bar of the Senate, and on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At nine o'clock and forty minutes P. M., Senator Black was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and fifty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 845 was finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hartman, Leavitt, Martinelli, McCartney, Miller, Sanford, Thompson, Walker, Willis, Wolfe, and Wright—21.

NOES—Senators Burnett, Cartwright, Hurd, Lewis, Price, Roseberry, Rush, and Weed—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wolfe moved that the vote whereby Assembly Bill No. 1120—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education, and control of minors—was refused passage be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1120 was refused final passage be made a special order for Monday, March 15, 1909, at two o'clock P. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wolfe moved that the vote whereby Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils—was finally passed be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 686 was finally passed be made a special order for Saturday, March 13, 1909, at eleven o'clock A. M.

Motion carried.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1241 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the grant-

ing of such franchises by the legislative or other government bodies, and repealing conflicting Acts." approved March 22, 1905.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hurd, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to have Assembly Bill No. 114 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Read third time previously this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 3, page 2, lines 7, 8, 10, 11, and 12 the words "it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board not herein specially mentioned, and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 114, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Also:

Senator Caminetti asked for, and was granted, unanimous consent to have Assembly Bill No. 116 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 3, line 7, page 1, and lines 8, 9, 10, 11, and 12, page 2, the following: "it shall not be necessary to obtain the approval or sanction of any other board, officer, or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board not herein specially mentioned, and".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 116, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Also:

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 1171 taken up for consideration out of order.

Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1171 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—OUT OF ORDER.

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Concurrent Resolution No. 14—Relative to final adjournment—have had the same under consideration, and respectfully report the same back, with the recommendation, that it do pass as amended.

LEAVITT, Chairman.

Senate Concurrent Resolution No. 14 ordered on file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—OUT OF ORDER.

Senator Leavitt asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 14 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 14.

Resolved by the Senate, the Assembly concurring. That the thirty-eighth session of the Legislature adjourn *sine die* at twelve o'clock meridian Saturday, March 13, 1909.

Senate concurrent resolution read.

During the reading of the Senate concurrent resolution the following amendment was submitted by committee:

Amend by striking out the words and figures "Saturday, March 13, 1909", and insert in lieu thereof the words and figures "Thursday, March 18, 1909".

Amendment adopted.

MOTION.

Senator Leavitt moved that the Senate take up Senate Concurrent Resolution No. 14, as amended, for consideration.

Motion duly seconded and carried.

SENATE CONCURRENT RESOLUTION No. 14.

Resolved by the Senate, the Assembly concurring. That the thirty-eighth session of the Legislature adjourn *sine die* at twelve o'clock meridian Thursday, March 18, 1909.

Senate concurrent resolution read.

Senator Leavitt moved the adoption of the Senate concurrent resolution.

Motion duly seconded.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutton, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Walker, Weed, Willis, and Wolfe—23.

NOES—Senator Estudillo—1.

Senate Concurrent Resolution No. 14 ordered to print, engrossment, and transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 816 passed by the following vote:

AYES—Senator Anthony, Bates, Bell, Bills, Black, Boynton, Cartwright, Curtin, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Senate Bill No. 748 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening or straightening of public streets, squares, lanes, alleys, courts and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1173 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Cartwright, Curtin, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1102 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 334—An Act to create the office of state dental surgeon, prescribe his duties, fix his manner of appointment, salary, and term of office, and to make an appropriation for the expenses of his office.

Bill read second time, ordered engrossed, and on file for third reading.

Assembly Bill No. 1158—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1158 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Cartwright, Cutten, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Black, Boynton, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1237—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1237 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Black, Cartwright, Curtin, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Weed was, on his own motion, granted leave of absence until Monday, March 15, 1909.

Senator Sanford was, on his own motion, granted leave of absence until Monday, March 15, 1909.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to have Senate Bill No. 1108 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Cutten moved to refer to Senator Birdsall as a special committee of one to amend, as follows:

On page 2, Section 1, lines 19, 19a, and 19b, strike out the words "and there is hereby allowed to the district attorney one deputy, to be appointed by him, who shall receive a salary of nine hundred dollars per annum".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1108, with instructions to amend, respectfully reports the same back, amended as per instructions.

BIRDSALL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Cutten, the Secretary was directed to issue a rush order for printing Senate Bill No. 1108.

SECOND READING OF SENATE BILLS.

On motion of Senator Estudillo, the second-reading file of Senate Bills was taken up.

Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section for thousand one hundred and thirty-five a, validating improperly recorded instruments, and providing for the indexing thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1136—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out the word "immediately", and insert in lieu thereof the words: "August 1, 1909."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 472—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out all on line 4 after the word "road", and insert in lieu thereof the word "must". Strike out all of line 5.

Amendment adopted.

Also:

On line 6, strike out the words "of way for its roadway".

Amendment adopted.

Also:

On page 1, line 6, after the word "maintain", insert the word "substantial".

Amendment adopted.

Also:

On page 1, line 7, after the word "road", strike out the words "of height and sufficient strength", and insert in lieu thereof the words "and property".

Amendment adopted.

Also:

On page 1, line 8, after the word "horses", insert the word "and", and on the same line strike out the words "and hogs".

Amendment adopted.

And:

On page 2, line 21, strike out the words "every adjoining land", and strike out all of lines 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, and insert in lieu thereof the following: "Railroad corporations paying to the owner of the land through or along which their road is located an agreed price for making and maintaining such fence, or paying the cost of such fence, with the award of damages allowed for the right of way for such railroad, are relieved and exonerated from all claims for damages arising out of the killing or maiming any animals or persons who thus fail to construct and maintain such fence; and the owners of such animals are responsible for any damage or loss which may accrue to such corporation from such animals being upon their railroad track, resulting from the non-construction of such fence, unless it is shown that such loss or damage occurred through the negligence or fault of the corporation, its officers, agents, or employees".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.

During second reading of bill, the following amendments were submitted by committee:

Amend title of Act by striking out the words "provide for", and insert in lieu thereof the words "locate, survey, and lay out".

Amendment adopted.

Also:

Amend the title of the printed bill by adding after the word "county" the words "and making an appropriation therefor".

Amendment adopted.

Also:

Strike out lines 1, 2, and 3 and the words "and construction of a state highway", in line 4, of Section 1, and insert in lieu thereof the following:

"SECTION 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of five hundred (\$500.00) dollars for the

purpose of locating, surveying, and laying out a state highway; said state highway shall be practically as follows:"

Amendment adopted.

Also:

Insert the word "and" between the words "locating, surveying", in line 1, Sec. 2, page 1, of the printed bill.

Amendment adopted.

Also:

Strike out the words "and constructing", in line 1, Sec. 2.

Amendment adopted.

Also:

Insert the word "and" between the words "locate and survey", in line 4, Sec. 2.

Amendment adopted.

And:

Strike out the words "and construct", in line 4, Sec. 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 213 taken up for consideration out of order.

Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Also:

Senator Price asked for, and was granted, unanimous consent to have Assembly Bill No. 130 taken up for consideration out of order.

Assembly Bill No. 130—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 finally passed by the following vote:

AYES—Senators Anthony, Bills, Black, Boynton, Cartwright, Curtin, Cullen, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Wright asked for, and was granted, unanimous consent to have Senate Bill No. 960 taken up for consideration out of order.

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Read third time on previous day

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 960 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Curtin, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Thompson asked for, and was granted, unanimous consent to take up Assembly Bill No. 58 for consideration out of order.

Assembly Bill No. 58—An Act appropriating twenty thousand dollars for the purpose of building two cottages on the grounds of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Senator Wright asked for, and was granted, unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 1042 was this day finally passed.

Assembly Bill No. 1042 ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and thirty-five minutes p. m., on motion of Senator Leavitt, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, March 13, 1909.

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Willis, Wolfe, and Wright—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 12, 1909, the further reading was dispensed with, on motion of Senator Boynton.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Boynton:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

H. D. Bacus, W. E. Cunningham, M. E. Meriam, H. Link, James Rathwell and others.

Also:

By Senator Roseberry:

To the State Senate of California:

WHEREAS, This is the only state in the Union without a Sunday rest law; and

WHEREAS, This age of strenuous competition demands a weekly rest day;

Therefore, The undersigned, business and professional men and laborers, hereby earnestly petition your honorable body to enact a general Sunday rest law that will prohibit all lines of public business and labor, except works of real necessity and mercy and such private work as is not against the public welfare.

G. M. Richardson, G. L. Underwood, E. L. Zahn, W. M. Daw, John Oliver, and others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 42—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Assembly Bill No. 169—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eighty-seven, and section two thousand one hundred and seven, both relating to the National Guard.

Also: Assembly Bill No. 274—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees, and fixing salaries.

Also: Assembly Bill No. 633—An Act entitled "An Act to amend Section 1560 of Article IV of the Political Code of California by providing for joint institutes or conventions of teachers, and providing a penalty for county superintendents who fail to hold institutes."

Also: Assembly Bill No. 650—An Act to amend Section 637a of the Penal Code of California, and to add thereto three new sections, to be numbered 637f, 637d, and 637e, all relating to protection of wild birds other than game birds and their nests and eggs.

Also: Assembly Bill No. 699—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary, and the salaries of certain appointees.

Also: Assembly Bill No. 763—An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to pro-

vide for the formation, government, and operation of highway lighting districts, the calling and holding of elections in such districts, the assessment, collection, custody, and disbursement of taxes therein, and the creation of ex officio boards of supervisors.

Also: Assembly Bill No. 833—An Act to add a new section to the Penal Code of California, to be numbered four hundred and two *e*, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the State Veterinarian certain diseases among animals.

Also: Assembly Bill No. 931—An Act to amend section four hundred and forty-four of the Political Code, relating to transfers of money from one fund to another.

Also: Assembly Bill No. 938—An Act to amend Section 1563 of the Political Code of the State of California, relating to teachers' salaries during attendance at institutes.

Also: Assembly Bill No. 956—An Act to amend Section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

Also: Assembly Bill No. 1445—An Act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

Also: Assembly Concurrent Resolution No. 6—*Resolved by the Assembly, the Senate concurring.* That immediately after the adjournment of the present session of the Legislature, the Capitol Commissioners be, and they are hereby, requested to provide suitable offices in the Capitol building for the State Agricultural Society.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 3?"

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers: *provided, however,* that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

Also:

On pages 6 and 7, of the printed bill, strike out all of lines 106 to 136 inclusive.

Also:

On page 7, Section 5, line 138, of the printed bill, strike out the words "or for United States Senator".

Also:

On page 7, Section 5, line 142, of the printed bill, after the word "State", insert the following: "The petition of a candidate for United States Senator shall be signed by the candidate himself."

Also:

On page 23, Section 23, line 41, of the printed bill, after the word "thereof", strike out the period, and insert in lieu thereof the following: "showing the vote cast for said officer in each party in each Assembly and Senatorial district."

Also:

On page 23, Section 23, line 47, of the printed bill, after the word "Legislature" strike out the following: ", together with his official certificates", and insert in lieu thereof a "period"; also strike out all of lines 48, 49, and 50.

Also:

On page 1, of the printed bill, strike out all of title after the words "An Act", and insert in lieu thereof the following: "to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

Also:

On page 25, Section 24, line 38, of the printed bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention".

Also:

On page 25, Section 24, line 49, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted."

Also:

On page 25, Section 24, line 52-55, of the printed bill, after the word "county" strike out the period, and insert the word "convention".

Also:

On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior".

Also:

On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior."

Also:

On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeemen", and insert in lieu thereof the following: "delegates to county conventions".

Also:

On page 11, Section 12, line 12, of the printed bill, insert after the word "election", at the end of the line, a period.

Also:

On page 28, Section 31, line 6, of the printed bill, strike out the word "promises", and insert in lieu thereof the word "promised".

Also:

On page 9, Section 7, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "office".

And:

After line 33, of Section 5, page 4, of the printed bill, insert as follows, viz: "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form:

STATE OF CALIFORNIA.

County of..... } ss.

I, the undersigned, the candidate named in said nomination paper, do solemnly affirm that I accept the said nomination as a, and that I hereby pledge myself as a to abide by and carry into effect in spirit as well as letter the principles enunciated by the last state convention of the party held in California, and by the last national convention of the party.

Signed,
Residence,

Dated day of, 19....."

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 3 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

Also: Assembly Bill No. 302—An Act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven, and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the National Guard.

And respectfully request that your honorable body recede from said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendment to Assembly Bill No. 167?"

By striking out of Section 2, line 17, page 2, from and including the word "when-ever" to and including the period on line 27 thereof.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above question be made a special order for Monday, March 15, 1909, immediately after the consideration of the special orders heretofore set, following the reading of the Journal.

Motion carried.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 302?"

Amend Section 17, page 13, line 4, of the printed bill, by inserting before the word "upon" the following: "Two months previous to the expiration of the term of service of any officer, or".

Also:

On page 12, strike out the whole of Section 15.

Also:

In the title, strike out the words and figures "one thousand nine hundred and fifty-six."

Also:

In Section 4, line 38, page 5, of the printed bill, insert after the word "general" the words "and the colonel".

Also:

In Section 16, line 6, page 12, of the printed bill, strike out the word "advise", and insert in lieu thereof the word "advice."

Also:

In Section 16, line 8, page 12, of the printed bill, insert after the word "appointments" the words "subject to".

Also:

In Section 16, line 8, page 12, of the printed bill, strike out the word "to".

And

In Section 27, line 9, page 22, of the printed bill, after the word "department" insert the following: "the assistant adjutant general."

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above question be made a special order for Monday, March 15, 1909, immediately after the consideration of the special orders heretofore set, following the reading of the Journal.

Motion carried.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Substitute for Assembly Concurrent Resolution No 15—Relative to fortification of San Pedro harbor.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 423 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold

under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco, to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 226 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Also: Senate Bill No. 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California.

Also: Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532a, relating to spurious secret societies.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

Also: Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine a, relating to appointment of poundkeepers outside of incorporated cities.

Also: Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Adopted Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX, of said Constitution, by adding new sections, to be numbered 14, 15, and 16, respectively, relating to the schools, their government and their taxation.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 268, 292, 853, 898, 1133 and Committee Substitute for Senate Bill No. 26 ordered to enrollment.

Assembly Bills Nos. 695 and 1280 read first time.

Assembly Bill No. 695 ordered referred to Committee on Judiciary.

Assembly Bill No. 1280 ordered on file, without reference to committee.

Assembly Constitutional Amendment No. 16 ordered referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 185—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish

cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No. 64—An Act to amend Section 626 of the Penal Code, relating to the protection of deer.

Also: Senate Bill No. 330—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.

Also: Senate Bill No. 886—An Act to regulate the practice of veterinary medicine in the State of California.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By LEO PREISKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 185?"

On page 3, Section 4, line 24, of the printed bill, after the period following the word "cars" insert the following: "Every such company, person, corporation, receiver, or trustee shall have a lien upon any deposit made in accordance with this section for any damages or penalties accruing to it by failure to load any car or cars delivered and placed as in this Act provided."

And:

On page 4, Section 5, line 26, of the printed bill, after the period following the words "cars" insert the following: "Nothing in this Act contained shall be construed to prevent any railway company, person, corporation, receiver or trustee, operating any line of railway, from making and enforcing any and all necessary rules for demurrage to insure the loading and unloading of cars within twenty-four hours after delivery thereof to consignors or consignees at the usual and appropriate point of loading or unloading: *provided*, the rate or charge for demurrage so made shall not exceed three dollars for the first day after said period of twenty-four hours for each car, and thereafter the rate or charge for demurrage shall be the sum of six dollars per day for each car as hereinabove in this section provided."

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 185 ordered on file as unfinished business.

Senate Bills Nos. 64, 330 and 886 ordered on file as unfinished business.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 13, 1909.

To the Honorable Senate of the State of California:

I have the honor to return herewith Senate Bill No. 778—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of Statutes, Journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts, without my approval, for the following reasons:

This is an Act providing the manner of the distribution of reports and other publications. It imposes the duty of making this distribution upon the Secretary of State. No provision has been made, however, by which the Secretary of State may perform this additional work. Much of this distribution is made to public libraries, and further distribution is made for the purpose of receiving exchanges from other states. These exchanges, when received, are placed in our State Library. For these reasons, it seems proper that this distribution should be made by the State Librarian.

A bill to this effect has been introduced in the Legislature, and will undoubtedly be passed at this session.

J. N. GILLET,
Governor of the State of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 778 sustained by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Willis, and Wolfe—24.

WITHDRAWAL OF BILL.

Senator Hurd asked for, and was granted, unanimous consent to withdraw Senate Bill No. 363—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Senate Bill No. 363 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 692—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also: Senate Bill No. 693—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be withdrawn.

LEAVITT, Chairman.

Senate Bills Nos. 692 and 693 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Assembly Bill No. 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and for the maintenance of the same, and appropriating money therefor.

Also: Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnical School.

Also: Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnical School.

Also: Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars (\$1725), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426, relating to gardeners for State Capitol grounds.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 596, 844, 963, 964, 1072, and 1032 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, Part I, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of, mines, mining and mineral claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 1093 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 484—An Act to add a new section to the Penal Code, to be numbered two hundred and sixty-six *h*, relating to male persons who live with, or live off of, or accept the earnings of prostitutes, or any female not the wife of such male person, and providing a punishment therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Senate Bill No. 484 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 99—An Act allowing certain pensions, and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

WILLIS, Chairman.

Assembly Bill No. 99 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 856—An Act to amend section forty-one hundred and thirty-six of the Political Code of the State of California, relating to conveyance of real estate and indexing thereof.

Also: Senate Bill No. 862—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to succession to the property of deceased persons.

Also: Senate Bill No. 864—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 856, 862, and 864 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 865—An Act to amend Section 397*b* of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Also: Senate Bill No. 870—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman

Senate Bills Nos. 865 and 870 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 858—An Act to repeal an Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the State of California," approved March 15, 1883.

Also: Senate Bill No. 863—An Act to amend section nine hundred and fifty-four of the Penal Code of California, relating to pleadings in criminal cases.

Also: Senate Bill No. 877—An Act to amend section two hundred and sixty-nine *a* of the Penal Code of California, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 878—An Act to amend section two hundred and sixty-nine *b* of the Penal Code of California, relating to open and notorious fornication and adultery.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 858, 863, 877, and 878 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing committee on text-books—have had the same under consideration, and respectfully report the same back, with amendments, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 250 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and the recommendation that it do pass as amended.

ROSEBERRY, Chairman.

Committee Substitute for Assembly Bill No. 320 ordered on file for second reading.

MOTION.

On motion of Senator Hurd, the following proposed committee amendments to Committee Substitute for Assembly Bill No. 320 were ordered printed in the Journal:

Amend Section 11, page 10, of printed bill, by striking out the comma and the word "as", after the word "cappers", in line 16, and insert in lieu thereof the word "or".

Also:

Amend Section 11, page 10, of printed bill, by striking out line 16a.

And:

Amend Section 8, page 7, of printed bill, by inserting after the word "study", in line 25, the following: "or who has received an equivalent education."

WITHDRAWAL OF BILLS.

Senator Price asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 692 and 693.

Senate Bill No. 692—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption

of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Senate Bill No. 693—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Senate Bills Nos. 692 and 693 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF CODE BILLS.

On motion of Senator Leavitt, the Special File of Code Bills was taken up.

Senate Bill No. 605—An Act to amend sections twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 605 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Campbell, Cutten, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Thompson, Walker, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the dispositions of life estates of homesteads of community property in certain cases and joint tenancies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Senators Bates, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 618 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 868 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1110 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1111 passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1112 -An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1112 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1114 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1115 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1116 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1122 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 859—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 859 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 860 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 861—An Act to amend section three hundred a of the Civil Code of the State of California, relating to corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 861 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 866 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing the methods of tracing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 867 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Campbell, Cullen, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Thompson, Walker, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California. .

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Estudillo, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Thompson, Walker, Willis, Wolfe, and Wright—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF CODE BILLS.

Senate Bill No. 619—An Act to amend section seventeen hundred and seventy-four *a* of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 621—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 611—An Act to amend Sections 337 and 339 of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

Also:

On page 1, Section 1, line 3, after the figures "337", insert the following: "within four years:"

Amendment adopted.

Also:

On page 1, Section 1, line 4, after the word "writing", strike out the semicolon and insert a period.

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "Provided" and all of lines 5, 6, 7, 8, 9, 10, 11, and 12.

Amendment adopted.

Also:

On page 2, Section 2, line 3, strike out the word "Section".

Amendment adopted.

And:

On page 2, Section 2, line 3, after the figures "339", insert the following: "within two years:"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 616—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in appellate courts.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 607—An Act to amend Section 1327 of the Code of Civil Procedure of California, relating to the contest of wills or the probate thereof.

Bill read second time, ordered engrossed, and on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 1259 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations,"

approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 115—An Act to regulate the organization of fraternal insurance associations.

Also: Senate Bill No. 320—An Act providing for a biennial appropriation in the general appropriation bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.

Also: Committee Substitute for Senate Bill No. 558—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, as amended March 19, 1907, by amending Section 9 thereof.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three *a*, relating to the compensation of jurors in counties of the fourteenth class.

Also: Senate Bill No. 717—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Also: Senate Bill No. 954—An Act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in Justices' Court.

Also: Senate Bill No. 983—An Act validating bonds heretofore voted and issued by joint union high school districts.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued, by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Concurrent Resolution No. 11—Relative to the appointment of President Lincoln Monument Commission.

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, providing that any principal, teacher, employee or school officer of any elementary or secondary school who refuses to use the text-books prescribed by the proper authority for use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this thirteenth day of March, 1909, at ten o'clock A. M.

BELL, Acting Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Wolfe to reconsider the vote whereby Assembly Bill No. 686 finally passed, the same was taken up for consideration.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, by classifying the day and evening elementary and secondary schools of California, determining who may be employed to teach in said schools, and by defining the powers of county and city and county boards of education with respect to courses of study and the examination and graduation of pupils—was finally passed be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—None.

NOES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Cullen, Estudillo, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Walker, Wolfe, and Wright—24.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Estudillo, the Special File of County Government Bills was taken up.

Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 961 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cullen, Estudillo, Hartman, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1084—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

On motion of Senator Holohan, Senate Bill No. 1084 was temporarily passed on file, to retain its place.

Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

On motion of Senator Holohan, Senate Bill No. 1085 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Estudillo asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1169—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class and their deputies.

Senate Bill No. 1169 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS—(RESUMED .

Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

On motion of Senator Boynton, Senate Bill No. 1198 was temporarily passed on file, to retain its place.

Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries, and fees of officers of counties of the sixth class.

On motion of Senator Price, Senate Bill No. 1170 was temporarily passed on file, to retain its place.

Assembly Bill No. 984—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 984 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1085—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class, to be known as the thirty-sixth and one-half class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Savage, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 847 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1050 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

On motion of Senator Wright, Senate Bill No. 1083 was temporarily passed on file, to retain its place.

Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 983 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Thompson, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 709—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class, and their assistants and deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 709 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

On motion of Senator Roseberry, Assembly Bill No. 1092 was temporarily passed on file, to retain its place.

Committee Substitute for Assembly Bill No. 7—An Act to amend an Act entitled "An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV to said Code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 18, 1907, by adding a new article and section to chapter six of said Act, to be known as Article XI, Section 4205, relating to the registration of voters and the selection and appointment of a registrar of voters in counties of the fifth class, and prescribing his powers, duties, and compensation.

On motion of Senator Bills, Committee Substitute for Assembly Bill No. 7 was ordered re-referred to Committee on County Government.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to have Assembly Bill No. 1033 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By inserting in Section 1, Subdivision 13, line 66, the word "not" after the word "and" where it first occurs on said line.

And:

By striking out from said section and subdivision, on line 67, the word "month" where it first occurs therein, and inserting in lieu thereof the word "monthly".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1033, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 1, Subdivision 11, line 39, the word "eighteen", and inserting in lieu thereof the following: "fifteen".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1033, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 1, lines 25 to 29, inclusive, all of Subdivision 7, and inserting in lieu thereof the following:

"7. The assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day for not more than one hundred and twenty-five days in any one year, and one field deputy at not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year, to be paid out of the county treasury."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1033, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By adding a new subdivision to Section 1, to be designated as Subdivision 15, to read as follows:

"15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1033, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Holohan as a special committee of one to amend, as follows:

By adding to Subdivision 15, of Section 1, the following: "The provisions of this subdivision shall take effect from and after the passage of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1033, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLOHAN, Chairman.

Report of special committee of one, and amendment, adopted.
Bill ordered to print.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Price, Assembly Bills Nos. 132, 595, 669, and 1368 were ordered withdrawn from the file, and ordered re-referred to Committee on Hospitals and Asylums.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code of the State of California, relating to the duties of Constables.

Also: Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance and collusion in divorce actions, and providing punishment therefor.

Also: Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.

Also: Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

And report that the same have been correctly engrossed.

BIRDSALL, Acting Chairman.

Senate Bills Nos. 1212, 937, 1247, and 334 ordered on file for third reading.

SPECIAL FILE OF APPROPRIATION BILLS.

On motion of Senator Leavitt, the Special File of Appropriation Bills was taken up.

Assembly Bill No. 101—An Act making an appropriation of three thousand four hundred and eighty dollars (\$3,480.00) to be applied to the cost of grading, paving, guttering, curbing, and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the State Normal School at Los Angeles, and defining the duties of the Controller and Treasurer in reference thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 101 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Rely, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 207—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at the said hospital; to construct in conjunction with said kitchen a dining-room for the kitchen help; to purchase a new kitchen range, steam table, and other necessary kitchen furniture; to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Black, Caminetti, Campbell, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 210—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 211—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 211 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Campbell, Curtin, Cutten, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An Act making an appropriation of five thousand dollars to pay the traveling expenses and salary of a parole officer for the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 783—An Act to appropriate \$3,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 783 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 962—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 962 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 965—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 965 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 968—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 969—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 969 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 970—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 970 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 971—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 971 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 972—An act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 972 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 973—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 973 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1009—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1056—An Act to make an additional appropriation for the purposes of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1056 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1363—An Act authorizing the purchase of portraits of Speakers of the Assembly, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1363 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCart-

ney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1063—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1063 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 749—An Act to provide for the construction and furnishing of a cottage for female patients at the Southern California Hospital at Patton, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 749 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 216—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "the congregate dining-room," and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 216 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 215—An Act to provide for the construction of storm drains, and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 215 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 214 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212—An Act to provide for the enlargement and reroofing at Patton, and providing for additional machinery and remodeling, and making appropriations for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1064—An Act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1064 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 635—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reëquipping for the accommodation and treatment of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy-five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 635 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 957—An Act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 957 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 960—An Act providing for certain necessary repairs to the building and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 960 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An Act to provide for the building, equipment, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 213—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 213 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutton, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF APPROPRIATION BILLS.

Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines, to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Bill read second time, and ordered on file for third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners, and State inspector of plumbing, and defining their duties, and providing for the licensing of plumbers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district to be called Sacramento Drainage District: to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 179—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the words "and dealt with the same", and insert in lieu thereof the words: "in the same manner".

Amendment adopted.

Also:

On page 2, after the last word in Section 4, add the following: "No costs shall be recovered against the State in such suit."

Amendment adopted.

Also:

Strike out all of Section 5 after the figure "5", and insert in lieu thereof the following: "In such suit no inquiry shall be had as to the validity of any assessment or proceedings subsequent thereto, including the tax deed whereby the State acquired title to such lands or any part thereof, and such lands shall be partitioned and the interest owned by the State set apart to it, and the same shall not be sold under judgment or decree."

Amendment adopted.

And:

Strike out Section 6, and renumber Section 7 to be Section 6.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Roseberry asked for, and was granted, unanimous consent to have Assembly Bill No. 1142 taken up for consideration out of order.

Assembly Bill No. 1142—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1142 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Campbell, Cartwright, Curtin, Finn, Holohan, Leavitt, Lewis, McCartney, Reilly, Roseberry, Rush, Savage, Thompson, Walker, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Holohan asked for, and was granted, unanimous consent to have Senate Bill No. 1087 taken up out of order.

Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1087 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutten, Finn, Holohan, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Walker asked for, and was granted, unanimous consent to have Assembly Bill No. 1072 taken up for consideration out of order.

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars (\$1,725), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read second time, and ordered on file for third reading.

Also:

Senator Lewis asked for, and was granted, unanimous consent to have Senate Bill No. 1212 taken up for consideration out of order.

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1212 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Wolfe asked for, and was granted, unanimous consent to have Assembly Bill No. 844 taken up for consideration out of order.

Assembly Bill No. 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and for the maintenance of the same, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Also:

Senator McCartney asked for, and was granted, unanimous consent to have Senate Bill No. 937 taken up for consideration out of order.

Senate Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance, and collusion in divorce actions, and providing punishment therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 937 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Thompson, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Martinelli asked for, and was granted, unanimous consent to have Senate Bill No. 1178 taken up for consideration out of order.

Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1178 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Caminetti, Cartwright, Curtin, Cutton, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, Reilly, Roseberry, Rush, Savage, Thompson, Walker, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright the hour of recess was extended fifteen minutes.

INTRODUCTION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Cutton asked for, and was granted, unanimous consent to introduce a Senate joint resolution out of order.

By Senator Cutton: Senate Joint Resolution No. 20—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

Senate joint resolution ordered referred to Committee of Military Affairs.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Thompson asked for, and was granted, unanimous consent to have Assembly Bill No. 1253 taken up for consideration out of order.

Assembly Bill No. 1253—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, and referred to in that certain Act entitled "An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said Act," approved March 21, 1907, as may remain after the settlement referred to in said Act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the State, and which said lands so surrendered were thereafter sold and patented by said State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1253 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 12, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 887—An Act to prevent the use of parenzella or drag-net in the waters of this State.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

WILLIS, Acting Chairman.

Senate Bill No. 887 ordered on file for second reading.

Assembly Bill No. 1051 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The local improvement Act of 1901'", by adding thereto a new section to be numbered 20a.

Also: Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, amended March 6, 1899.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 594, 1353, and 1414 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 1051 taken up for consideration out of order.

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their power and duties.

Bill read second time, and ordered on file for third reading.

RE-REFERENCE OF SENATE CONSTITUTIONAL AMENDMENT TO COMMITTEE.

On motion of Senator Anthony, Senate Constitutional Amendment No. 48 was ordered withdrawn from the file, and ordered re-referred to Committee on Military Affairs.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Black asked for, and was granted, unanimous consent to have Senate Bill No. 1247 taken up for consideration out of order.

Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1247 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Boynton, Burnett, Caminetti, Cartwright, Cutten, Estudillo, Holohan, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Savage, Thompson, Walker, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Cartwright asked for, and was granted, unanimous consent to have Assembly Bill No. 1115 taken up for consideration out of order.

Assembly Bill No. 1115—An Act to amend an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1115 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Black, Burnett, Cartwright, Cutten, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Savage, Thompson, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Also: Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1024 and 317 read first time, and ordered referred to Committee on Judiciary.

SPECIAL ORDER SET.

Senator Wright moved that the consideration of the question of concurring in Assembly amendments to Senate Bill No. 3 be made a special order for Monday, March 15, 1909, at eleven o'clock A. M.

Motion carried.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Willis, the Acting President declared the Senate adjourned until Monday, March 15, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, March 15, 1909.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Stobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright--36.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 13, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

LEAVES OF ABSENCE.

Senator Savage was, on motion of Senator Hurd, granted leave of absence for this day.

Senator Welch was, on motion of Senator Wolfe, granted leave of absence until this evening.

Senator Stetson was, on motion of Senator Cutten, granted leave of absence until Wednesday, March 17, 1909.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Wm. Ruwe of Yreka, and Mrs. Abner Weed of Dunsmuir, and Mrs. Frank C. Pollard of Yreka.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully requests that you return Assembly Bill No. 317 to the Assembly—notice of motion to reconsider the vote by which it passed having been given on the date of its passage.

CLIO LLOYD, Chief Clerk of the Assembly.
By NELSON FRENCH, Assistant Clerk.

On motion of Senator Leavitt, the request of the Assembly was ordered complied with, and Assembly Bill No. 317 ordered withdrawn from the Committee on Judiciary and ordered returned to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—have had the same under consideration, and respectfully report the same back, per instructions.

WILLIS, Chairman.

Assembly Bill No. 317 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Committee Substitute for Senate Bill No. 214—An Act to provide for the appointment of a commission to carry out the work mentioned and provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905, and making an appropriation therefor.

Also: Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Also: Senate Bill No. 619—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Also: Senate Bill No. 621—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Also: Senate Bill No. 607—An Act to amend Section 1327 of the Code of Civil Procedure of California, relating to the contest of wills or the probate thereof.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 745, 823, 619, 621, 607, and Committee Substitute for Senate Bill No. 214, ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 55, the same was taken up for consideration.

Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the consideration of Senate Bill No. 3, heretofore set as a special order for twelve o'clock M. this day, be postponed and made a special order for Tuesday, March 16, 1909, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits, or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

SPECIAL ORDER POSTPONED.

Senator Leavitt moved that the further consideration of Senate Bill No. 55 be made a special order for Monday, March 15, 1909, at two o'clock and thirty minutes P. M.

Motion carried.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 11, 1909.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 20—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

ANTHONY, Chairman.

Senate Joint Resolution No. 20 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX of said Constitution, by adding new sections to be numbered 14, 15, and 16 respectively, relating to the schools, their government and their taxation.

Also: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 3 of Article IX, of said Constitution, relating to the election of superintendent of schools.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

BLACK, Chairman.

Assembly Constitutional Amendments Nos. 16 and 17 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 673—An Act to amend Article XVI of the Political Code in regard to county boards of education—have had the same under consideration, and respectfully report the same back with amendments, with the recommendation that it do pass as amended.

BLACK, Chairman.

Assembly Bill No. 673 ordered on file for second reading.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and ten minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 284—An Act to provide for the continuation of investigation of the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Committee Substitute for Senate Bill No. 359—An Act to authorize certain improvements upon the buildings, grounds, and streets adjacent to the grounds of the California Institution for the Deaf and Blind at Berkeley, and making an appropriation therefor.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00), for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Also: Senate Bill No. 585—An Act to amend Sections 654, 684 and 685 of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.

Also: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.

Also: Senate Bill No. 721—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the Wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Also: Committee Substitute for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of officers, guards, and employees at the State prison at Folsom, and to make an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom for the Warden, and making an appropriation therefor.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner and the salaries, duties and qualifications of his appointees.

Also: Senate Bill No. 808—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Also: Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

Also: Committee Substitute for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No. 882—An Act providing for construction of cottages for the use of guards and employees at the State prison at San Quentin, and to make an appropriation therefor.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital now in process of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor" approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also: Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Senate Bill No. 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Senate Bill No. 967—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting and operating a sprinkling plant and appurtenances thereon.

Also: Senate Bill No. 1003—An Act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

Also: Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Etna Life Insurance Company of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 1018—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No. 1019—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Presidential Insurance Company of America against the State of California.

Also: Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1024—An Act to appropriate the sum of nine hundred and three and seventy-two one-hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also: Senate Bill No. 1025—An Act to appropriate the sum of eleven and thirty-one one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 1026—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for the issuance of school bonds.

Also: Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better educa-

tion of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885." approved March 23, 1901, by amending Sections 12 and 13.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 38, 95, 221, 283, 284, 347, 466, 516, 539, 548, 585, 588, 638, 689, 691, 721, 754, 757, 775, 808, 831, 837, 896, 910, 912, 925, 944, 957, 958, 959, 967, 977, 993, 1003, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1055, 1078, 1079, 17, Committee Substitutes for Senate Bills Nos. 359, 630, and 774, Committee Substitutes "A" and "B" for Senate Bill No. 772, and Committee Substitutes "A" and "B" for Senate Bill No. 882 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to reconsider Assembly Bill No. 317. I return herewith said bill, the same having been recalled from the Senate this day.

CLIO LLOYD, Chief Clerk of the Assembly.

Assembly Bill No. 317 ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 918—An Act to amend an Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State, approved March 23, 1893.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Committee Substitute for Assembly Bill No. 30—An Act to authorize James Touhey to bring suit against the State of California.

Also: Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all of the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Also: Assembly Bill No. 289—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Also: Assembly Bill No. 290—An Act to amend section twelve hundred and sixty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Also: Assembly Bill No. 413—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Assembly Bill No. 424—An Act to promote education in literature, music and the fine arts.

Also: Assembly Bill No. 652—An Act to amend sections six and seven of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations."

Also: Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

Also: Assembly Bill No. 703—An Act to amend sections three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, approved March 23, 1907."

Also: Assembly Bill No. 759—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Assembly Bill No. 804—An Act to restrict the herding of live stock.

Also: Assembly Bill No. 921—An Act to amend Section 928 of the Penal Code, relating to the duties of the grand jury.

Also: Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for tests or experiments in the interest of science, and providing for their recommendation in such matter and the relieving of such person.

Also: Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Also: Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

Also: Assembly Bill No. 1110—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be numbered 1992, providing for the completion of sidewalks in any block where a portion of the same has been constructed.

Also: Committee Substitute for Assembly Bill No. 1136—An Act to amend Sections 22 and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add two new sections thereto.

Also: Assembly Bill No. 1252—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Also: Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, by amending Sections 1, 6, and 16.

Also: Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Also: Assembly Bill No. 1343—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893 and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Also: Committee Substitute for Assembly Bill No. 1351—An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district.

Also: Assembly Bill No. 1355—An Act to amend section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Also: Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Also: Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Also: Assembly Bill No. 1260—An Act to prevent the sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Also: Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River known as Newtown Jetties, making an appropriation therefor and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Assembly Bill No. 1379—An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

Also: Assembly Bill No. 1391—An Act to add a new section to the Penal Code, to be known as Section 337b thereof, and relating to the publishing of tips or advance information on horse racing, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 1365—An Act to amend Section 4232 of the Political Code of the State of California.

Also: Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Also: Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also: Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Also: Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to notice of trial and service of notice thereof in the Justices' Court.

Also: Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles national monument in the counties of San Benito and Monterey, in the State of California.

Also: Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California Débris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 918, 6, 154, 289, 290, 413, 424, 652, 670, 703, 759, 804, 921, 936, 1025, 1069, 1110, 1252, 1316, 1331, 1334, 1343, 1355, 1356, 1359, 1360, 1369, 1379, 1391, 1365, 1402, 1405, 1407, 1409, 1428, 1441, and Committee Substitutes for Assembly Bills Nos. 30, 1136, and 1351 read first time.

Assembly Bills Nos. 918, 6, 289, 290, 804, 921, 1359, 1360, 1369, 1379, 1402, 1409, and Committee Substitute for Assembly Bill No. 30 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 154, 413, 759, 1343, and 1407 ordered referred to Committee on Finance.

Assembly Bills Nos. 424 and 670 ordered referred to Committee on Education.

Assembly Bills Nos. 652, 1110, and 1334 ordered referred to Committee on Municipal Corporations.

Assembly Bill No. 703 ordered referred to Committee on Agriculture and Dairying.

Assembly Bills Nos. 936 and 1331 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 1025, 1355, 1356, and 1365 ordered referred to Committee on County Government.

Assembly Bills Nos. 1069, 1252, 1316, and 1405 ordered on file without reference to committee.

Committee Substitute for Assembly Bill No. 1136 ordered referred to Committee on Irrigation.

Committee Substitute for Assembly Bill No. 1351 ordered referred to Committee on Drainage, Swamp, and Overflowed Lands.

Assembly Bill No. 1391 and Assembly Concurrent Resolution No. 14 ordered referred to Committee on Public Morals.

Assembly Bill No. 1428 ordered referred to Committee on Fish and Game.

Assembly Bill No. 1441 ordered referred to Committee on Commerce and Navigation.

WITHDRAWAL OF BILLS.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Committee Substitute for Senate Bill No. 906—An Act to amend Section 4331 of the Political Code of the State of California,

relating to salaries of officers of counties of the second class, their deputies and assistants.

Committee Substitute for Senate Bill No. 906 withdrawn, and ordered stricken from the file.

Also:

Senator Burnett asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1132—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Senate Bill No. 1132 withdrawn, and ordered stricken from the file.

Also:

Senator Burnett asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1231—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Senate Bill No. 1231 withdrawn, and ordered stricken from the file.

LEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At two o'clock and thirty minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 871—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations, by corporations for purposes other than profit.

Also: Senate Bill No. 872—An Act to amend section forty-three hundred *a* of the Political Code of the State of California, relating to county clerk's fees.

Also: Senate Bill No. 873—An Act to repeal section thirty-four ninety-two of the Political Code of the State of California.

Also: Senate Bill No. 879—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Also: Senate Bill No. 880—An Act to amend section five hundred and seven of the Penal Code of California, relating to the embezzlement of personal property.

Also: Senate Bill No. 881—An Act to amend section nine hundred and seventy-one of the Penal Code of California, relating to criminal procedure.

Also: Senate Bill No. 1121—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Also: Senate Bill No. 1123—An Act to add a new section to the Code of Civil Procedure of California, to be numbered seven hundred and fifty *a*, relating to the effect of judgments in action to quiet title and determine adverse claims to real property and in actions for specific performance.

Also: Senate Bill No. 1124—An Act to add a new section to the Civil Code of the State of California, to be known as section one hundred and forty-nine, relating to appeals in divorce proceedings.

Also: Senate Bill No. 1125—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Also: Senate Bill No. 1129—An Act to repeal sections thirty-three hundred and seventy-six, thirty-three hundred and seventy-seven, thirty-three hundred and seventy-eight, thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two, thirty-three hundred and eighty-three, thirty-three hundred and eighty-four, thirty-three hundred and eighty-five, thirty-three hundred and eighty-six, and thirty-three hundred and eighty-seven of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WILLIS, Chairman.

Senate Bills Nos. 871, 872, 873, 879, 880, 881, 1121, 1123, 1124, 1125, and 1129 ordered on file for second-reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 875—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.

Also: Senate Bill No. 876—An Act to amend Section 1070 of the Penal Code of California, relating to peremptory challenges.

Also: Senate Bill No. 1109—An Act to add a new section to the Code of Civil Procedure of California, to be known as section fourteen hundred and fifty-five, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.

Also: Senate Bill No. 1119—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the service of summons in civil actions in Justices' Courts.

Also: Senate Bill No. 1127—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, relating to the appointment of a married woman as administratrix of an estate of a deceased person.

Also: Senate Bill No. 1128—An Act to repeal section thirteen hundred and fifty-two of the Code of Civil Procedure of California, relating to executors and guardians of minors.

Also: Senate Bill No. 857—An Act to amend Section 3608 of the Political Code of the State of California, relating to the assessment of property belonging to corporations and corporations' stock.

Also: Senate Bill No. 612—An Act to amend Section 1454 of the Code of Civil Procedure of California, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.

Also: Senate Bill No. 613—An Act to amend sections fourteen hundred and ninety, fourteen hundred and ninety-three, fourteen hundred and ninety-four, fourteen hundred and ninety-five, fourteen hundred and ninety-six, and fifteen hundred and four of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.

Also: Senate Bill No. 614—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Also: Senate Bill No. 615—An Act to amend section nineteen hundred and ninety-one of the Code of Civil Procedure of California, providing for the punishment of a witness who disobeys his subpoena, or who refuses to be sworn, or to answer questions, or to subscribe an affidavit or deposition when required.

Also: Senate Bill No. 617—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of the State of California, relating to the priority of liens of mechanics and others on real property.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same.

WILLIS, Chairman.

Senate Bills Nos. 875, 876, 1109, 1119, 1127, 1128, 857, 612, 613, 614, 615, and 617 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 874—An Act to amend sections thirty-four and forty-six of the Political Code of the State of California, relating to the formation of reclamation districts.

Also: Senate Bill No. 1126—An Act to amend section thirty-seven hundred and ninety-three of the Political Code of the State of California, relating to the fee for seizure or sale of personal property for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman,

Senate Bills Nos. 874 and 1126 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Also: Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Also: Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9a, relating to appointment of poundkeepers outside of incorporated cities.

Also: Senate Bill No. 578—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners, in whom its administration shall be vested, and prescribing their duties, powers and compensation; providing for a secretary, and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents and servants, and for their compensation; providing for a course of procedure where any person, firm, association, corporation, or society has received, held, distributed or disposed of, or is receiving, holding, distributing or disposing of the trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given or bequeathed for the relief of any sufferers from any earthquake, conflagration or other disasters; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 826, 159, 1024, and 695 ordered on file for second reading.

Senate Bill No. 578 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Senate Bill No. 1224 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Cutten asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 875, 876, 1109, 1119, 1127, 1128, 612, 857, 613, 614, 615, and 617.

Senate Bill No. 875—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.

Senate Bill No. 876—An Act to amend Section 1070 of the Penal Code of California, relating to peremptory challenges.

Senate Bill No. 1109—An Act to add a new section to the Code of Civil Procedure of California, to be known as section fourteen hundred and fifty-five, relating to the collection of moneys belonging to estates of deceased persons, and on deposit in banks.

Senate Bill No. 1119—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the service of summons in civil actions in Justices' Courts.

Senate Bill No. 1127—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, relating to the appointment of a married woman as administratrix of an estate of a deceased person.

Senate Bill No. 1128—An Act to repeal section thirteen hundred and fifty-two of the Code of Civil Procedure of California, relating to executors and guardians of minors.

Senate Bill No. 612—An Act to amend Section 1454 of the Code of Civil Procedure of California, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.

Senate Bill No. 857—An Act to amend Section 3608 of the Political Code of the State of California, relating to the assessment of property belonging to corporations or corporations' stock.

Senate Bill No. 613—An Act to amend Sections 1490, 1493, 1494, 1495, 1496, and 1504 of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.

Senate Bill No. 614—An Act to amend Section 726 of the Code of Civil Procedure of California, relating to foreclosure suits.

Senate Bill No. 615—An Act to amend Section 1991 of the Code of Civil Procedure of California, providing for the punishment of a witness who disobeys his subpoena, or who refuses to be sworn, or to answer questions, or to subscribe an affidavit or deposition when required.

Senate Bill No. 617—An Act to amend Section 1194 of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Senate Bills Nos. 875, 876, 1109, 1119, 1127, 1128, 612, 857, 613, 614, 615, and 617 withdrawn, and ordered stricken from the file.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James Watt of San Francisco.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 330?"

Strike out the word "may", in line 28, Section 2, page 2, of the printed bill, and insert in lieu thereof the word "must".

Also:

Strike out the word "two", in line 31, Section 2, page 3, of the printed bill, and insert in lieu thereof the word "four".

Also:

After the word "county", in line 32, Section 2, page 3, of the printed bill, insert the words "if there be one, and if there is none, then in some newspaper of general circulation in the county".

Also:

After the word "postponed", in line 35, Section 2, page 3, of the printed bill, insert the words "the power to make all needful postponements being hereby vested in the court or jury."

And:

Strike out the word "or" where it first occurs in line 36, Section 2, page 3, of the printed bill, and insert in lieu thereof the word "of".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 330 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cuten, Hurd, Kennedy, Leavitt, McCartney, Reilly, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 330 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 55, the same was taken up for consideration.

Senate Bill No. 55—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing

for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no license, permits, or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 refused passage by the following vote:

AYES—Senators Bell, Black, Boynton, Campbell, Cartwright, Cutten, Estudillo, Miller, Roseberry, Thompson, Walker, and Wright—12.

NOES—Senators Anthony, Bills, Birdsall, Burnett, Caminetti, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Strobbridge, Weed, Welch, Willis, and Wolfe—25.

EXPLANATION OF VOTE.

Senator Caminetti asked for, and was granted, permission to explain his vote, as follows:

MR. PRESIDENT: I voted "No" on Senate Bill No. 55 for the following reasons:

The movement for direct legislation under constitutional provision is the one that should be continued until won.

All people who favor the submission of any question of public concern to the voters should join hands to aid, not weaken it, by endeavoring to secure favor for special measures, similar to those the subject of this bill.

Besides, from all past experience, I believe that strict regulation and publicity will do more to correct existing evils attending the sale of liquor, and protect the youth of our State, than any form of prohibition that has ever been tried.

I would gladly vote for such a regulatory measure.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 178—An Act to amend section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Also: Senate Bill No. 271—An Act to authorize the Controller of State to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Concurrent Resolution No. 17—Approving six certain amendments to the charter of the city of Oakland, in Alameda County, California, voted for and

ratified by the qualified electors of said city, at a special election held thereon for that purpose on the fifth day of March, one thousand nine hundred and nine.

Also: Senate Joint Resolution No. 3—Relative to transportation rates, and placing our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.

And report that the same have been correctly enrolled, and presented the same to the Governor on this fifteenth day of March, nineteen hundred and nine, at three o'clock P. M.

STROBRIDGE, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Concurrent Resolution No. 16—Relative to the encouragement of the viticultural industry of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that same do pass as amended.

BILLS, Chairman.

Senate Concurrent Resolution No. 16 ordered on file.

REPORTS OF SPECIAL COMMITTEE.

The following reports of special committee were received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Boynton—An Act to amend an Act entitled an Act to provide for the issuing of bonds by reclamation districts, etc.—have had the same under consideration, and respectfully report the same back, and recommend that the provisions of the Constitution be complied with, and that Senator Boynton be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Boynton be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Camibetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Boynton: Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such

reclamation districts." approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof.

Bill read first time, and referred to Committee on Drainage, Swamp, and Overflowed Lands.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Leavitt—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that the provisions of the Constitution be complied with, and Senator Leavitt be permitted to introduce the bill.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fourth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Leavitt be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bills, Birdsell, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Leavitt: Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 16 taken up for consideration out of order, for the purpose of amendment.

SENATE CONCURRENT RESOLUTION No. 16,

Relative to the encouragement of the viticultural industry of the State of California.

WHEREAS, The State of California is now becoming preëminently a grape-growing state where wine can be produced as cheaply, of as fine a quality, and in as large quantities, as in any country in the world; and,

WHEREAS, There are at the present time over 250,000 acres of land in the State of California devoted to the viticultural industry, representing an investment of over one hundred millions of dollars; and,

WHEREAS, A very desirable class of people are coming into this State and taking up the improvement of vast areas of land which have heretofore been non-productive and of little value, planting vineyards on land absolutely unsuited for any other purpose, and hoping to find a market for their grapes, for table consumption, for the making of raisins, and for the manufacture of wines. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That we strongly recommend the encouragement of the viticultural industry in this State

and we favor the enactment of legislation, either by the Federal Government or by the State Legislature, or the passage of regulations or ordinances by any of the counties, cities or towns of the State, that would foster this most important industry, which is destined, if properly encouraged and cared for, to be one of the greatest industries of the State.

Senate concurrent resolution read.

During reading of Senate concurrent resolution, the following amendment was submitted by committee:

On page 1, line 15, insert after the word "wines", Whereas, Some of the people are endeavoring to create in this State a sentiment which if allowed to go unchecked would result in the depreciation of the value of the properties improved aforesaid, and practically wipe out the result of many years of labor and the investment of much money, and working a great injury to the people of the State of California "

Amendment read and adopted.

Senate Concurrent Resolution No. 16 ordered to print and engrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 16.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Senate Concurrent Resolution No. 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Senate Concurrent Resolution No. 18 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Caminetti to reconsider the vote whereby Senate Bill No. 1221 was passed, the same was taken up for consideration.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 1221—An Act to amend Sections 3493_m and 3493_n of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article IIa—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—None.

NOES—Senators Anthony, Bills, Birdsall, Burnett, Caminetti, Campbell, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, Miller, Price, Reily, Rush, Sanford, Thompson, Walker, Weed, and Wolfe—23.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

UNFINISHED BUSINESS.

The question being "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 886?"

Amend Section 3, line 45, of the printed bill, by inserting after the period the following: "*Provided further*, that nothing in this Act shall be construed to prohibit any person from castrating or spaying any domestic animal or animals."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 886 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Catten, Cutton, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 886 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 185?"

On page 3, Section 4, line 24, of the printed bill, after the period following the word "cars" insert the following: "Every such company, person, corporation, receiver, or trustee shall have a lien upon any deposit made in accordance with this section for any damages or penalties accruing to it by failure to load any car or cars delivered and placed as in this Act provided."

And:

On page 4, Section 5, line 26, of the printed bill, after the period following the word "cars" insert the following: "Nothing in this Act contained shall be construed to prevent any railway company, person, corporation, receiver or trustee, operating any line of railway, from making and enforcing any and all necessary rules for demurrage to insure the loading and unloading of cars within twenty-four hours after delivery thereof to consignors or consignees at the usual and appropriate point of loading or unloading; *provided*, the rate or charge for demurrage so made shall not exceed three dollars for the first day after said period of twenty-four hours for each car, and thereafter the rate or charge for demurrage shall be the sum of six dollars per day for each car as hereinabove in this section provided."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 185 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, Catten, Cutton, Estudillo, Finn, Hurd, Kennedy, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Strobridge, Thompson, Walker, Willis, and Wolfe—25.

NOES—None.

Senate Bill No. 185 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Constitutional Amendment No. 4, the same was taken up for consideration.

Committee Substitute for Senate Constitutional Amendment No. 4—Relative to the Railroad Commission.

SPECIAL ORDER POSTPONED.

Senator Campbell moved that the further consideration of Committee Substitute for Senate Constitutional Amendment No. 4 be postponed, and made a special order for Tuesday, March 16, 1909, at three o'clock and thirty minutes P. M.

Motion carried.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 526—An Act to amend section twenty-two and one half of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes; the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 801—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.

Also: Senate Bill No. 636—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

Also: Senate Bill No. 635—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.

Also: Senate Bill No. 549—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

Also: Senate Bill No. 296—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 814—An Act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

Also: Senate Bill No. 1239—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

Also: Senate Bill No. 146—An Act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 179—An Act to amend Section 270, 270a and 270b of the Penal Code of California.

Also: Senate Bill No. 164—An Act appropriating money for the building and furnishing of two cottages at the Preston School of Industry.

Also: Senate Bill No. 163—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

Also: Senate Bill No. 149—An Act providing for an appropriation of twenty-five hundred dollars to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 144—An Act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

Also: Senate Bill No. 143—An Act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

Also: Senate Bill No. 113—An Act appropriating money for a pressed brick machine for the Preston School of Industry.

Also: Senate Bill No. 98—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians, and who are not confined at State hospitals for the insane," approved March 23, 1901.

Also: Committee Substitute for Senate Bill No. 44—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 637c, and

relating to the preservation of seals and sea lions in the waters of Santa Barbara Channel.

Also: Senate Bill No. 718—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

Also: Senate Bill No. 829—An Act to add to the Penal Code of California a new section, to be numbered Section 633, relating to the protection and preservation of golden trout.

Also: Senate Bill No. 704—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas, and the injury, obstruction, or alteration of gas meters.

Also: Senate Bill No. 799—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 650—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.

Also: Senate Bill No. 667—An Act to amend Section 3671 of the Political Code, relating to taxes.

Also: Senate Bill No. 771—An Act to definitely establish and permanently locate the boundary line between the county of Lake and the county of Glenn, and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa, State of California.

Also: Senate Bill No. 684—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

Also: Senate Bill No. 921—An Act to amend Section 4248 of the Political Code, as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

Also: Senate Bill No. 647—An Act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 800—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.

Also: Senate Bill No. 32—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1423, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r, and 1426s, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing Acts in conflict herewith.

Also: Senate Bill No. 270—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Also: Senate Bill No. 69—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers and superintendents of schools.

Also: Senate Bill No. 652—An Act authorizing and empowering Reclamation District No. 791 to contract for and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency, or municipal corporation, joint levees, or other joint works of reclamation.

Also: Senate Bill No. 180—An Act to amend Section 737 of the Political Code of California, relating to the salaries of superior judges.

Also: Senate Bill No. 514—An Act to amend Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

Also: Senate Bill No. 932—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

Also: Senate Bill No. 911—An Act to amend Section 4258 of the Political Code as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

Also: Senate Bill No. 513—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee, or to engage in the business of banking.

Also: Senate Bill No. 677—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration, and preservation of fish in the waters of the State of California.

Also: Senate Bill No. 836—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.

Also: Senate Bill No. 147—An Act appropriating five thousand dollars, to be expended in the erection of a manual training building on the grounds of the Whittier State School.

Also: Senate Bill No. 804—An Act to create a preserve for crabs within Eel River and the entrance thereto, and Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

Also: Senate Bill No. 931—An Act to add a new section to the Political Code, to be numbered Section 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

Also: Senate Bill No. 653—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Senate Bill No. 554—An Act to add a new section to the Penal Code of the State of California, to be numbered six hundred seventy-seven, relating to punishment for second offenses.

Also: Senate Bill No. 556—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two a, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the State prison.

Also: Senate Bill No. 555—An Act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 983—An Act validating bonds heretofore voted and issued by joint union high school districts.

Also: Senate Bill No. 936—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

Also: Senate Bill No. 685—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three a, relating to the compensation of jurors in counties of the fourteenth class.

Also: Senate Bill No. 832—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

Also: Senate Bill No. 954—An Act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in Justices' Court.

Also: Senate Bill No. 1002—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1042—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.

Also: Senate Bill No. 1075—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

J. N. GILLET. Governor.

Message read, and ordered printed in the Journal.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1357—An Act to amend Section 4252 of the

Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Also: Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419b.

Also: Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-second class.

Also: Adopted Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

CLO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 1357, 1416, and 1429 read first time.

Senate Constitutional Amendment No. 1 ordered to enrollment

Assembly Bills Nos. 1357 and 1429 ordered referred to Committee on County Government.

Assembly Bill No. 1416 ordered referred to Committee on Finance.

INTRODUCTION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to introduce a Senate joint resolution out of order.

By Senator Estudillo: Senate Joint Resolution No. 21—Relative to securing from the Congress of the United States legislation which will create a reserve in the State of Wyoming for the care and maintenance of the American elk.

Senate joint resolution referred to the Committee on Federal Relations.

RECESS.

At four o'clock and fifty minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock p. m.

RECONVENED.

At eight o'clock p. m. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

EXPLANATIONS OF VOTES.

Senators Miller and Boynton asked for, and were granted, permission to explain their votes on Senate Bill No. 55, as follows:

MR. PRESIDENT: We voted for Senate Bill No. 55 because we believe in the principle of allowing the people in any given locality to decide for themselves whether the saloon shall be licensed. We, therefore, voted for the bill to emphasize that principle. We do not, however, favor many provisions of the bill, and particularly in that it is not clear on the question as to the right of the people to make "dry" territory "wet" should a majority so desire. We also believe that the petition should be signed by not less than forty per cent of the electors in the locality to be affected.

Also:

Senator Wright asked for, and was granted, permission to explain his vote on Senate Bill No. 55, as follows:

MR. PRESIDENT: I objected to Senate Bill No. 55 in its original form and declared my opposition to it unless amended to apply to units of townships instead of counties. Senator Estudillo promised to so amend it, but I am of the opinion the amendments would fail of their purpose. I vote "aye," however, because the friends of the bill have promised to amend it in the Assembly, if it pass the Senate, to meet my views.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Assembly Bill No. 1334 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Also: Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

THOMPSON, Chairman.

Assembly Bills Nos. 1355 and 1356 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Committee Substitute for Assembly Bill No. 1365—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the third class.

Also: Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

THOMPSON, Chairman.

Assembly Bills Nos. 1365 and 1025 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Concurrent Resolution No. 14 Relative to polygamy—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WEED, Chairman.

Assembly Concurrent Resolution No. 14 ordered on file.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Price, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts, and calling for an election therefor, and the canvassing of the votes cast at said election.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 961—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 269?"

Beginning at the end of line 35, add as follows: "Provided, that the provisions of this section relating to the exemption of improvements on any lands or town lots situated within the district shall be exempt from taxation, shall not apply in any district now organized unless said provision shall be approved by a vote of a majority of resident holders of title to lands situated within the district and subject to taxation therein at a special election called for the purpose of making said provision herein applicable."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 269 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Miller, Price, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 269 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 747?"

Strike out of line 1, Section 5, page 2, of printed bill, the letters "dis", and insert in lieu thereof the word "district".

And:

Strike out of line 3, Section 6, page 3, of printed bill, the word "section", and insert in lieu thereof the word "Act".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 747 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 747 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 763?"

On page 1, Section 1, line 3a, of the printed bill, strike out the word "August", and insert in lieu thereof the word "September".

Also:

On page 2, Section 1, line 27, of the printed bill, strike out the words "of the size prescribed by this section", and insert in lieu thereof the following "of not less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers."

And: On pages 4 and 5, Section 4, lines 35 and 36, of the printed bill, strike out the following: "East Ferry, above the town of Fortuna", and insert in lieu thereof the following: "the east boundary line of township three (3) north, range two (2) west, Humboldt meridian".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 763 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 763 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 809?"

In line 21, page 2, of the printed bill, after the word "count", strike out the following: "of".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 809 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Sanford, Strobidge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26
 NOES—None.

Senate Bill No. 809 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 964?"

Amend by striking out of line 9, Section 1, of printed bill, the words "as may be necessary to meet such deficiency", and insert in lieu thereof a "comma" after the word "district", and also the following words: "or so much of the surplus in any building fund of the district, created before the passage of this Act, as may be necessary to meet such deficiency; provided, that nothing in this Act shall be construed as lessening the amount set aside by Section 1622 for teachers' salaries."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 964 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cullen, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Strobidge, Thompson, Walker, Weed, Willis, and Wolfe—27.
 NOES—None.

Senate Bill No. 964 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 471—An Act to amend section sixteen hundred and seventeen of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments in the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibilities of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Senate Bill No. 623—An Act to amend Section 607e of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Also: Senate Bill No. 625—An Act to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection,' and all Acts supplemental thereto and amendatory thereof."

Also: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 838—An Act to amend Section 3786 of the Political Code relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

And respectfully request that your honorable body concur in said amendments

CLIO LLOYD, Chief Clerk of the Assembly.
 By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 12?"

After the period following the word "buildings", in line 5, Sec. 5, of the printed bill, add the following: "*Provided*, that if any or all of the money is not expended as provided above then it shall immediately become available for the purchase of material and employment of labor for the erection of the buildings needed for the school".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 12 by the following vote:

AYES—Senators Bates, Bills, Black, Campbell, Curtin, Cuten, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Senate Bill No. 12 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 471?"

Amend by striking out of line 138, page 5, of printed bill, the period after the word "determine", and inserting in lieu thereof a semicolon, and also the following words: "*provided*, that such compensation for all services rendered by said attorney shall be paid from the special or city school funds only."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 471 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Cuten, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 471 ordered to enrollment.

Senate Bill No. 473 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 623?"

In Section 1, line 13, of printed bill, after the word "animals", insert the following: "or for the prevention of cruelty to children".

Also:

In Section 1, line 17, of printed bill, after the word "animals", insert the following: "or children".

Also:

In Section 1, line 18, of printed bill, after the word "animals", insert the following: "or children".

Also:

Strike out of Section 1, line 8, of printed bill, the word "such".

Also:

In Section 1, line 9, of printed bill, after the word "existing", insert the following: "incorporated or organized for the prevention of cruelty to animals or to children".

Also:

In Section 1, line 12, of printed bill, after the word "every", insert the following: "such".

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 623 ordered on file as unfinished business.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 625?"

Strike out the words "To amend Sections 4, 14, and 19 of", in the first line of the title, and insert in lieu thereof "to repeal".

Also:

Strike out all in the title from the word "and", in line 10, of the title, down to and including the figures "14½", in line 14, of the title, both inclusive, and insert in lieu thereof "and all Acts supplemental thereto and amendatory thereof".

And:

Strike out all after the word and figure "Section 1", line 1, of Section 1, page 1, of the printed bill, and insert in lieu thereof as follows: "An Act entitled 'An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral

inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893," and all Acts amendatory thereof, and supplementary thereto are hereby repealed.

"SEC. 2. This Act shall take effect immediately."

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 625 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 634?"

After the word "held", in line 8, Section 1, of printed bill, insert the words "and that notice of such meeting was given to the members of said association".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 634 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 634 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 838?"

Strike out the word "hights", in line 47, Section 1, page 2, of the printed bill, and insert in lieu thereof the word "rights".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 838 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Senate Bill No. 838 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 990?"

Strike out the words "paid respectively to", in line 2, Section 6, page 2, of printed bill, and insert in lieu thereof the following: "presented to the Board of Examiners as in case of other claims, and upon the approval thereof the Controller shall draw his warrant upon the Treasurer in favor of".

And:

After the word "Act", in line 3, Section 6, page 2, of printed bill, insert the following: "and the Treasurer shall pay the same".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 990 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 990 ordered to enrollment.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eight o'clock and forty-five minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Committee Substitute for Assembly Bill No. 1365 and Assembly Bill No. 1069 present cases of urgency, as that term is used in Section 15 of Article IV

of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

CASES OF URGENCY.

Committee Substitute for Assembly Bill No. 1365—An Act to amend Section 4232 of the Political Code of the State of California.

Read first time previously this day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1365 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Hartwright, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Sanford, Strobridge, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Assembly Bill No. 1069—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.

Read first time previously this day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was finally called, and Assembly Bill No. 1069 finally passed by the following vote:

AYES—Senators Bates, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Hartwright, Curtin, Estudillo, Holohan, Hurd, Leavitt, Martinelli, McCartney, Price, Sanford, Strobridge, Thompson, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section six of article four thereof, relating to senatorial and legislative districts.

Also: Senate Bill No. 989—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Also: Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of things insured.

Also: Senate Bill No. 1029—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.

Also: Senate Bill No. 1033—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Also: Senate Bill No. 1034—An Act to amend Section 602 of the Political Code as to what constitutes insolvency of an insurance company.

Also: Senate Bill No. 1035—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also: Senate Bill No. 1039—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Also: Senate Bill No. 1045—An Act providing that life insurance policies shall constitute the entire contract.

Also: Senate Bill No. 1046—An Act relating to the compensation of and contracts with officers, trustees, directors and employees of life insurance companies.

Also: Senate Bill No. 1036—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Also: Senate Bill No. 1186—An Act to amend section eight hundred and sixty-nine of the Penal Code of California.

Also: Senate Bill No. 1202—An Act to amend Section 622a of the Political Code, relating to taxes on insurance premiums.

Also: Senate Bill No. 1076—An Act providing for separation of certain territory from cities of the fourth, fifth, and sixth class.

Also: Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Senate Concurrent Resolution No. 14—Relative to final adjournment.

Also: Senate Bill No. 1203—An Act appropriating the sum of three thousand dollars (\$3,000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

Also: Senate Bill No. 1136—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Senate Bill No. 472—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.

Also: Senate Bill No. 508—An Act to locate, survey, and lay out a state highway from Moreno to Beaumont, in Riverside County, and making an appropriation therefor.

Also: Senate Bill No. 611—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 616—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in appellate courts.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 989, 744, 1029, 1033, 1034, 1035, 1039, 1045, 1046, 1036, 1186, 1202, 1076, 560, 1108, 1203, 1136, 472, 508, 611, and 616 ordered on file for third reading.

Senate Constitutional Amendment No. 51 ordered on file.

Senate Concurrent Resolution No. 14 ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE.

Senate Concurrent Resolution No. 12—Relative to the acting Railroad Commissioners of the State of California, and their removal from office.

MOTION.

Senator Caminetti moved that it is the judgment of the Senate that proceedings under Senate Concurrent Resolution No. 12, against Com-

missioners Irwin and Summerland named therein, should be prosecuted, notwithstanding the adverse report of the Committee on Corporations.

Senator Campbell seconded the motion.

The question being upon the motion.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Caminetti, Campbell, Cartwright, Hare, Holohan, and Sanford—7.

NOES—Senators Bates, Bills, Birdsall, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe and Wright—27.

EXPLANATION OF VOTE.

Senator Burnett asked for, and was granted, permission to explain his vote on the above motion, as follows:

MR. PRESIDENT: I voted "No" because I do not believe there is time to make a proper investigation now, but not because I believe that the two Commissioners have performed their duty, because I do not."

SENATE CONCURRENT RESOLUTION No. 12.

WHEREAS, A. C. Irwin and Theodore Summerland are duly qualified and acting Railroad Commissioners of the State of California, and members of the Board of Railroad Commissioners, as created by section twenty-two, article twelve, of the Constitution of the State of California; and,

WHEREAS, It is provided in said section twenty-two of article twelve of the Constitution that the Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty, or corruption, or incompetency; and,

WHEREAS, The said Railroad Commissioners, and each of them, as above named, have been guilty of dereliction of duty and incompetency in the discharge of the duties of the said office of Railroad Commissioner in that they, and each of them, has utterly failed and neglected to establish rates of charges for the transportation of passengers and freight by railroad and other transportation companies and to publish the same from time to time; and have utterly failed and neglected to examine the books, records, and papers of all railroad and other transportation companies, to hear and determine complaints against railroad and other transportation companies, to enforce their decisions and correct abuses through the medium of the courts; and have utterly failed and neglected to prescribe a uniform system of accounts to be kept by all such corporations and companies; and have failed and neglected to report to the Governor, annually, their proceedings and such other facts as may be deemed important; and have utterly failed and neglected to take the proper and necessary proceedings to prevent discrimination in charges and facilities for transportation by railroad and other transportation companies between places and persons and in the facilities for the transportation of the same classes of freight passengers within this State or coming from or going to any other State; and have utterly failed and neglected to provide that persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing, all as provided in and commanded by the Constitution and statutes of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the said A. C. Irwin and Theodore Summerland, Railroad Commissioners as aforesaid, be, and they are hereby removed from said offices of Railroad Commissioners, and the said offices are hereby, each and every one of them, declared to be, and they are vacant.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 12 refused adoption by the following vote:

AYES—Senators Caminetti, Campbell, Curtin, Hare, and Holohan—5.

NOES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, Price, Reily, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—23.

EXPLANATION OF VOTE.

Senator Miller asked for, and was granted, permission to explain his vote on Senate Concurrent Resolution No. 12, as follows:

MR. PRESIDENT: I voted against the adoption of Senate Concurrent Resolution No. 12 because, in my judgment, it is now too late in the session to hold the investigation called for in the resolution.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and forty minutes P. M., Senator Caminetti was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 913 was passed by the following vote:

AYES—Senators Bates, Bills, Birdsall, Black, Burnett, Caminetti, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Walker, Welch, and Wolfe—22.

NOES—Senators Bell, Boynton, Campbell, Estudillo, Holohan, Strobbridge, Thompson, Weed, Willis, and Wright—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Hurd gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 913 was this day passed.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 155—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 303—An Act to provide for health and development supervision in the public schools of the State of California.

Also: Assembly Bill No. 422—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.

Also: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such district; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Assembly Bill No. 636—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of making a preliminary survey of Humboldt Bay and gathering data for a report to the Legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay, and as to the best manner of removing said deposits that the navigability of said bay may be improved, and making an estimate of the cost thereof.

Also: Assembly Bill No. 786—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

Also: Assembly Bill No. 845—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Also: Assembly Bill No. 996—An Act to add a new section to the Penal Code of California, to be numbered four hundred and ninety-nine, relating to the taking, hiring, running, driving or using of an automobile or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

Also: Assembly Bill No. 1119—An Act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment, and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

Also: Assembly Bill No. 1152—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of law members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties, and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof, providing for the revocation or suspension, in certain cases, of licenses issued hereunder," and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1896, amended and approved March 29, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.

Also: Assembly Bill No. 1166—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.

Also: Assembly Bill No. 1211—An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

And, On March 15th concurred in Senate amendments to Assembly Bill No. 420—An Act to amend Section 791 of the Political Code, relating to the manner of returning public.

Also: Assembly Bill No. 414—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California, by amending Section 1577 thereof, and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors, and incompetent persons.

Also: Assembly Bill No. 754—An Act to create a State Board of Accountancy, and prescribing its duties and power.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Constitutional Amendment No. 36 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of Law.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 1446 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 505—An Act to amend section seventeen hundred and seventy-one of the Political Code of the State of California, relative to the powers of the county board of education.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor."

Also: Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 24, 1907.

Also: Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature, March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903," approved March 6, 1905, and all Acts amendatory thereof.

And respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 485?"

In line 11, of the title, strike out the word "one", and insert in lieu thereof the word "five".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 485 by the following vote:

AYES—Senators Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Carter, Estudillo, Finn, Hare, Hartman, Hard, Kennedy, Leavitt, Lewis, Price, Ready, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.
 NOES—None.

Senate Bill No. 485 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 505?"

Strike out of line 4, page 1, of printed bill, the figures "1775", and insert in lieu thereof the figures "1771".

Also:

Strike out of line 9, page 1, of printed bill, the comma after the letters "ates", and insert the following words after the letters "ates": "and special certificates."

Also:

Strike out of line 8, page 1, of printed bill, the word "grammar", and insert in lieu thereof the word "secondary".

Also:

Strike out of line 15, page 1, of printed bill, the word "high", and insert in lieu thereof the word "Secondary".

Also:

Strike out of line 16, page 1, of printed bill, the word "high", and insert in lieu thereof the word "secondary".

Also:

Strike out of lines 16 and 17, page 1, of printed bill, the words "primary or grammar", and insert in lieu thereof the word "elementary".

Also:

Strike out of line 18, page 2, of printed bill, the word "grammar", and insert in lieu thereof the word "elementary".

Also:

Strike out of line 19, page 2, of printed bill, the words "grammar school or primary", and insert in lieu thereof the word "elementary".

Also:

Strike out of line 21, page 2, of printed bill, the word "primary", and insert in lieu thereof the word "elementary".

Also:

Strike out all of lines 37, 38, 39, and 40, page 2, of printed bill, and insert in lieu thereof the following: "5. To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplemental books, and pupils must be expressly notified by teachers that it is not required or desired that such books for such supplemental use be purchased by pupils or parents. When supplemental books are purchased they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

Also:

Strike out all of lines 41, 42, and 43, page 2, of printed bill, and insert in lieu thereof the following: "6. To revoke or suspend for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended until after a hearing before the county board of education, and then only upon the affirmative vote of at least four members of the board. All charges of immoral or unprofessional conduct, or evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing, and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing. The accused shall be given a fair and impartial hearing, and shall have the right to be represented by counsel. The hearing shall be governed by and conducted under the rules of the board."

Also:

Insert on line 46, page 2, of printed bill, before the word "school", the word "elementary".

Also:

Insert on line 50, page 2, of printed bill, after the word "board", the words "of education".

And:

Insert on line 51, page 2, of printed bill, before the word "authentication", the word "in".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 505 by the following vote:

AYES—Senators Bates, Bills, Birdsall, Black, Boynton, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Miller, Price, Reily, Strebridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 505 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 538?"

Strike out the period after the word "therefor", in the title of the printed bill, and insert after said word the following: "and to repeal an Act approved February 14, 1887, entitled: 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.'"

And:

On page 2, Sec. 5, lines 3, 4, and 5, strike out the words: "and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended", and insert in lieu thereof the following: " : *provided, however*, that not less than one fourth of the revenues raised hereunder, during each of the first ten fiscal years after this Act takes effect, shall be placed in a fund to be known and designated as the permanent building fund, and which said fund must be devoted solely to the purposes of building, furnishing and equipping permanent buildings and providing permanent improvements for the University. The Board of Regents must include in its biennial report to the Governor the statement of the manner and for what purpose all of the moneys referred to and raised under this Act were expended."

In the absence of the author, further consideration of the question was postponed, and Senate Bill No. 538 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 725?"

On page 2, Section 1, line 18, of the printed bill, strike out the word "an".

And:

On page 2, Section 1, line 19, of the printed bill, strike out the word "shall", and insert in lieu thereof the words "may in its discretion".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 725 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Strebridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 725 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 803?"

On page 3, after line 15*d*, insert the following: "in any city school district which has for a period of one year preceding the taking effect of this section established and maintained a high school within such district, shall be deemed to be and constitute a city high school".

Also:

On page 21, line 106, after the word "pursued", insert the following: "the textbooks used".

Also:

On page 22, line 7, after the word "employed", insert the following: "whether the text-books used therein conform to the list adopted by the high school board of trustees, as required by section seventeen hundred fifty."

Also:

On page 25, line 17, after the word "shall", insert the following: "as herein provided".

Also:

On page 25, lines 18 and 19, strike out "by whose board of supervisors the same were levied", and insert the following: "whose superintendent of schools has jurisdiction over the high school district in behalf of which such tax was levied".

Also:

On pages 25 and 26, strike out all of 30 to 39c, inclusive, and all of 39d down to and including the word "levied", and insert in lieu thereof the following: "In case of a high school district situated in two or more counties, the assessor of each of such counties must annually, as soon as the county assessments have been equalized by the State Board of Equalization, certify to the board of supervisors of each of the counties in which any portion of such high school district is situated, the assessed value of all taxable property in such county situated in such high school district, and the said tax shall be so levied according to the ratio which the assessed value of the property in such high school district in any county bears to the total assessed value of the property in such district, each board of supervisors to levy upon the property in such high school district and within their own county, such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of such bonds as is to become due during such year. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected and when collected paid into the treasury of such county, and it shall then be the duty of the treasurer of any such county other than the one whose superintendent of schools has jurisdiction over such high school, on written demand of the treasurer of the county whose superintendent of schools has jurisdiction over such high school, to pay the sum collected on account of such tax into the treasury of the county whose superintendent of schools has jurisdiction over such high school."

Also:

On page 26, strike out all of line 45 after the word "provided", and all of lines 46 to 64, inclusive.

Also:

On page 28, line 119, strike out the words "and it shall be such as", and insert in lieu thereof the following: "and every high school shall prescribe at least one course of study that".

Also:

On page 28, strike out all of line 123 after the word "provided", and all of lines 124 to 132a, inclusive, and insert in lieu thereof the following: "Within ninety days after the taking effect of this Act the clerk or secretary of the high school board of each district shall certify to the superintendent of schools having jurisdiction over such high school, the list of all text-books previously adopted by order of said board, or then in use in said high school, and no change shall thereafter be made in said list of books, provided, that the high school board may at a regular meeting adopt for a period of not less than four years such additional or other text-books as they may deem best from a list of books prepared and recommended annually in the month of June by the State Board of Education. The order of adoption shall be entered upon the minutes of the board, and a certified copy thereof shall be at once transmitted to the clerk or secretary of the high school board to the superintendent of schools having jurisdiction over such high school. The board of trustees shall enter into a written contract with the publisher of the text-books so adopted for their use during such period".

Also:

On page 31, line 67, strike out the following: "concurrent action of".

Also:

On page 31, line 68, after the word "counties", insert "as provided in section seven hundred and forty-seven".

And:

On page 31, lines 70 and 71, strike out the words "the rate of tax that said several boards of supervisors may agree on", and insert in lieu thereof the following: "such rate of tax as will be sufficient to carry out the purposes legally specified in said estimate".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 803 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Catten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 803 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

WILLIS, Chairman.

Assembly Bills Nos. 317 and 642 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 483—An Act to add a new section to the Penal Code of the State of California, to be known as Section 345, defining the duties and liabilities of junk dealers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Senate Bill No. 483 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Also: Assembly Bill No. 705—An Act to amend section five hundred and ninety-seven of the Penal Code, relating to cruelty to animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 563 and 705 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of State of California, relating to irrigation and reclamation districts—have had the same under consideration, and respectfully report the same back, with the recommendation that the committee substitute be adopted.

WILLIS, Chairman.

Senate Bill No. 1148 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 1136 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

WRIGHT, Chairman.

Assembly Bill No. 428 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Cutten asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 858, 863, 877, and 878.

Senate Bill No. 858—An Act to repeal an Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the State of California," approved March 15, 1883.

Senate Bill No. 863—An Act to amend Section 954 of the Penal Code of California, relating to pleadings in criminal cases.

Senate Bill No. 877—An Act to amend section two hundred and sixty-nine *a* of the Penal Code of California, relating to open and notorious fornication and adultery.

Senate Bill No. 878—An Act to amend section two hundred and sixty-nine *b* of the Penal Code of California, relating to open and notorious fornication and adultery.

Senate Bills Nos. 856, 863, 877, and 878 withdrawn and ordered stricken from the file.

ADJOURNMENT.

At eleven o'clock and twenty minutes P. M., on motion of Senator Leavitt, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 16, 1909. (

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Rev. Father Henry I. Stark.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 15, 1909, the further reading was dispensed with, on motion of Senator Price.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At ten o'clock and ten minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

APPROVAL OF THE JOURNALS.

The Journals of Monday, March 1, Tuesday, March 2, and Wednesday, March 3, 1909, having been corrected, were read and approved.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Hurd, granted leave of absence for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4196.

Also: Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Assembly Bill No. 413—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Assembly Joint Resolution No. 1—Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation, and the conservation of water.

Also: Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 759, 1416, 1004, 413, and 1313 ordered on file for second reading.

Also: Assembly Joint Resolution No. 1 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Also: Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers of counties of the forty-second class.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Assembly Bills Nos. 1357 and 1429 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 13, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to compile, prepare, and have printed after final adjournment, a final calendar of the legislative business of the thirty-eighth session, comprising the history of all bills introduced, their authors, the number that became laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book but as a guide for the thirty-ninth session of the Legislature.

When said calendar is finally prepared the Secretary of the Senate is directed to mail or express one copy of said calendar to each member of the Senate. For the purpose of carrying out the purpose of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$750.00, the same payable out of the contingent fund of the Senate—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Cartwright, Cullen, Finn, Hartman, Holohan, Hurd, Kennedy, McCartney, Miller, Price, Reilly, Roseberry, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Miller asked for, and was granted, unanimous consent to have Assembly Bill No. 317 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

During second reading of bill, the following amendments were submitted by committee:

On page 3, strike out all of Sec. 6.

Amendment adopted.

Also:

On page 3, strike out the word and figure "Sec. 7", and insert in lieu thereof the following: "Sec. 6."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Miller, the Secretary was directed to issue a rush order for printing Assembly Bill No. 317.

Also:

Senator Wolfe asked for, and was granted, unanimous consent to have Assembly Bill No. 844 taken up for consideration out of order.

Assembly Bill No. 844—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the city and county of San Francisco, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site and for the maintenance of the same, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 844 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, McCartney, Miller, Price, Reily, Roseberry, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Price asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 16 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 16,

Relative to the encouragement of the viticultural industry of the State of California.

WHEREAS, The State of California is now becoming preëminently a grape-growing state, where wine can be produced as cheaply, of as fine a quality, and in as large quantities as in any country in the world; and

WHEREAS, There are at the present time over 250,000 acres of land in the State of California devoted to the viticultural industry, representing an investment of over one hundred millions of dollars; and

WHEREAS, A very desirable class of people are coming into this State and taking up the improvement of vast areas of land which have heretofore been non-productive and of little value, planting vineyards on land absolutely unsuited for any other purpose, and hoping to find a market for their grapes, for table consumption, for the making of raisins, and for the manufacture of wines; and

WHEREAS, Some of the people are endeavoring to create in this State a sentiment which if allowed to go unchecked would result in the depreciation of the value of the properties improved aforesaid, and practically wipe out the result of many years of labor and the investment of much money, and work a great injury to the people of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That we strongly recommend the encouragement of the viticultural industry in this State, and we favor the enactment of legislation, either by the Federal Government or by the State Legislature, or the passage of regulations or ordinances by any of the counties, cities or towns of the State, that would foster this most important industry, which is destined, if properly encouraged and cared for, to be one of the greatest industries of the State.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Burnett, Campbell, Cartwright, Curtin, Cutton, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Strobridge, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Senate Concurrent Resolution No. 16 ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered out of order:

By Senator McCartney:

Resolved, That the State Printer be, and he is hereby, authorized and directed to print 5,000 copies of the pure-food Act of March 11, 1907, as amended by enactment of Senate Bills Nos. 51 and 936 of the thirty-eighth session of this Legislature; also, Chapter 104, approved March 6, 1909, in relation to sanitation of food-producing establishments; and be it further

Resolved, That the Secretary of State be, and he is hereby, authorized to receive said printed matter when printed for distribution to the public.

Resolution read and adopted.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Black, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. James Watt of San Francisco and R. L. Green of Palo Alto.

Also:

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Mason of San Francisco.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 1170 taken up for consideration out of order.

Senate Bill No. 1170—An Act to amend Section 4335 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1170 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Curtin, Cutton, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Strobridge, Thompson, Walker, and Weed—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Weed asked for, and was granted, unanimous consent to have Senate Bill No. 823 taken up for consideration out of order.

Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 823 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Black, Boynton, Burnett, Campbell, Carwright, Cutton, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martelli, McCartney, Miller, Reily, Roseberry, Strobridge, Thompson, Walker, Weed, Welch and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Leavitt asked for, and was granted, unanimous consent to have Committee Substitute for Senate Bill No. 214 taken up for consideration out of order.

Committee Substitute for Senate Bill No. 214—An Act to provide for the appointment of a commission to carry out the work mentioned and provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 214 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Cartwright, Cutten, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Hartman asked for, and was granted, unanimous consent to have Senate Bill No. 749 taken up for consideration out of order.

Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 refused passage by the following vote:

AYES—Senators Campbell, Finn, Hare, Kennedy, Reily—5.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Cutten, Hartman, Holohan, Leavitt, Lewis, Martinelli, Miller, Price, Roseberry, Strobridge, Thompson, Walker, Weed, and Welch—22.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Hartman gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 749 was this day refused passage.

WITHDRAWAL OF BILL.

Senator Welch asked for, and was granted, unanimous consent to withdraw Senate Bill No. 535—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act

to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905.

Senate Bill No. 535 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the question of concurring in Assembly amendments to Senate Bill No. 3, the same was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9 and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however,* that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

MOTION.

At twelve o'clock and twenty-five minutes P. M., Senator Curtin moved that the hour of recess be extended until the determination of the pending question.

The motion was duly seconded.

Senator Leavitt moved, as a substitute, that the Senate take a recess until two o'clock P. M. this day, and that the consideration of the pending question be resumed at that time.

The motion to substitute was duly seconded.

The question being upon the substitute.

The roll was called, and the substitute carried by the following vote:

AYES—Senators Bates, Bills, Burnett, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Weed, Welch, Wolfe, and Wright—21.

NOES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Holohan, Miller, Rush, Sanford, Strobridge, Thompson, and Walker—16.

Whereupon, at twelve o'clock and twenty-nine minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. M. Glass of Pasadena.

Also:

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. H. Claude Huck of San Francisco.

And:

On request of Senator Rush, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge H. C. Dibble.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the question of concurring in Assembly amendment to Senate Bill No. 3, the same was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

Time, three o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty-five minutes P. M., Senator Curtin moved that further proceedings under the call of the Senate be dispensed with.

The motion was duly seconded.

Senator Curtin asked permission to address the Senate upon the motion.

POINT OF ORDER.

Senator Leavitt made the point of order that the question was not debatable.

Whereupon the President of the Senate declared the point of order well taken.

The question being upon the motion.

The roll was called, and the motion to dispense with further proceeding under the call of the Senate lost by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, Miller, Roseberry, Rush, Sanford, Strobridge, Thompson, and Walker—18.

NOES—Senators Bates, Bills, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—20.

At three o'clock and forty-six minutes P. M., Senator Curtin moved that further proceedings under the call of the Senate be dispensed with.

The motion was duly seconded.

Senator Curtin asked permission to address the Senate upon the motion.

POINT OF ORDER.

Senator Leavitt made the point of order that the motion was out of order, as no business had intervened since the defeat of the previous motion to dispense with further proceedings under the call of the Senate, and that the question was not debatable.

Whereupon the President of the Senate declared the point of order well taken and the motion out of order.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At four o'clock and twenty minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and forty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the motion to concur in the above Assembly amendment to Senate Bill No. 3 was lost by the following vote:

AYES—Senators Bates, Bills, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Savage, Weed, Welch, Willis, and Wright—19.

NOES—Senators Anthony, Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Catten, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, and Wolfe—20.

MOTION TO RECONSIDER.

Senator Wolfe moved that the vote whereby the Senate this day refused to concur in the following Assembly amendment to Senate Bill No. 3:

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however*, that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Wright moved that the further consideration of the above question be postponed, and made a special order for Wednesday, March 17, 1909, at two o'clock P. M.

Motion carried.

MOTION.

Senator Curtin moved that Senator Stetson be granted leave of absence until Friday, March 19, 1909.

The motion was duly seconded.

Senator Wolfe moved, as a substitute, that all leaves of absence heretofore granted be revoked.

The motion was duly seconded.

The question being upon the substitute.

The roll was called, and the substitute carried by the following vote:

AYES—Senators Anthony, Bates, Bills, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Bell, Birdsall, Black, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Strobridge, Thompson, and Walker—18.

RECESS.

At four o'clock and forty-five minutes p. m., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock p. m.

RECONVENED.

At eight o'clock p. m. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Also: Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Also: Senate Bill No. 1248—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Senate Bill No. 1248 ordered on file for second reading.

Assembly Bills Nos. 261, 6, 1358, and 1359 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 815 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 492e—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 1282 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles national monument, in the counties of San Benito and Monterey, in the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Assembly Bill No. 1428 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines, in False Bay or in the entrance thereto—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Assembly Bill No. 1087 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Assembly Bill No. 1234 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

Also: Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bill No. 1250 ordered on file for second reading.

Assembly Bills Nos. 128 and 131 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Assembly Bill No. 1234 taken up for consideration out of order.

Assembly Bill No. 1234—An Act for the establishment in the city of

Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

After the word "kind", in line 7, Section 4, page 2, of the printed bill, strike out the period and insert a comma and add the following: "and shall be entitled to their necessary and actual traveling expenses while engaged in the discharge of their duties under this Act."

Amendment adopted.

Also:

Strike out all of Section 5, and insert in lieu thereof the following: "Sec. 5. The sum of ten thousand dollars is hereby appropriated out of any moneys belonging to the State not otherwise appropriated, for the maintenance of said school and improving the grounds conveyed to this State under section three hereof."

Amendment adopted.

And:

In line 4, Section 6, page 2, of the printed bill, strike out the following: "October 1, 1909", and insert in lieu thereof the following: "January 1, 1910."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Roseberry, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1234.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 847—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fortieth class.

Also: Assembly Bill No. 983—An Act to amend Section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

Also: Assembly Bill No. 981—An Act to amend Section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Assembly Bill No. 990—An Act authorizing the construction, acquisition, maintenance, and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Assembly Bill No. 1034—An Act making an appropriation for the expenses of the National Guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof.

Also: Assembly Bill No. 1050—An Act to amend Section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

Also: Assembly Bill No. 1115—An Act to amend section one of an Act entitled "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, and to add a new section thereto, to be numbered two and one half, relating to competition in trade and industry, and to add a new section thereto, to be numbered section thirteen, relating to labor.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 787*a*, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

Also: Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Also: Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Also: Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413^{1/2}, relating to sparring exhibitions and prize fights.

Also: Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto, to be numbered two hundred and twelve *a*, relating to the crime of robbery and its punishment.

Also: Assembly Bill No. 1146—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495*a*, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application, and providing for the filing of additional applications.

Also: Assembly Bill No. 1181—An Act to repeal Section 600*a* of the Political Code, and to reenact same as Section 603*a* of the Political Code.

Also: Assembly Bill No. 1185—An Act to amend Section 594*a* of the Political Code as to deposits of insurance companies not organized under the laws of this State.

Also: Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Also: Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Also: Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of Justices' or Police Courts.

Also: Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of Justices' or Police Courts.

Also: Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 919 ordered to enrollment.

Assembly Bills Nos. 281, 915, 916, 1029, 1037, 1146, 1181, 1185, 1186, 1187, 1285, 1286, and 1354 read first time.

Assembly Bills Nos. 281, 916, 1037, 1146, 1285, 1286, and 1354 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 915, 1181, 1185, 1186, and 1187 ordered referred to Committee on Corporations.

Assembly Bill No. 1029 ordered referred to Committee on Public Morals.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 294—An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor, and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878, and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 294?"

By striking from lines 2 and 3 of the title the words "Board of Railroad Commissioners", and inserting in lieu thereof the following: "Railroad Commission of the State of California".

And:

Strike out the period after the word "therefor", being the last word in the title, and insert in lieu thereof a semicolon and the following: "and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 294 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wright—24.

NOES—None.

Senate Bill No. 294 ordered to enrollment.

MESSAGES FROM THE GOVERNOR—(OUT OF ORDER.)

The following messages from the Governor were received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 16, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 587—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also: Senate Bill No. 477—An Act to amend Part III, Chapter III, Article I, of the Political Code of California by adding a new section to said Article I, to be numbered three hundred forty-four, relating to fish and game commissions.

Also: Senate Bill No. 890—An Act to amend Section 4233 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fourth class, their deputies and assistants.

Also: Senate Bill No. 729—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.

Also: Senate Bill No. 843—An Act providing for vacations for certain employees of the State.

Also: Senate Bill No. 762—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the Board of Trustees of the State Library.

Also: Senate Bill No. 194—An Act to amend sections two, three, four, and six of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 510—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of seventeen hundred dollars therefor.

Also: Senate Bill No. 476—An Act to create a fish and game preservation fund, and to unite the fish commission fund and the game preservation fund into a common fund to be known as fish and game preservation fund.

Also: Senate Bill No. 353—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.

Also: Senate Bill No. 648—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

J. N. GILLET.
Governor of the State of California.

Message read, and ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 16, 1909.

To the Honorable Senate of the State of California:

I have the honor to return herewith Senate Bill No. 59—An Act defining the powers, and duties of physicians, local health officers, and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports, and making appropriation therefor—without my approval for the following reasons:

This Act requires every physician practicing in this State, and every chief officer in charge of any hospital, dispensing asylum, or other private or public institution, to report to the local health officer the name, age, sex, color, occupation, address, and place where last employed of every person having tuberculosis who comes under his care or observation. It is made the duty of every health officer to make microscopic examinations of sputum sent him as that of a person having symptoms of tuberculosis, and he must make a record of all such examinations, which record is not to be divulged, except as may be necessary to carry into effect the provisions of this Act.

Thus far there is no particular objection to the bill, but it proceeds to more radical measures by providing that in the case of the vacation of any apartments or premises by the death or removal therefrom of a person having tuberculosis, the attending physician, or, in his absence, the owner, lessee, occupant or other person having charge of such apartments must notify the health officer, and such place shall not be occupied until disinfected, cleaned or renovated, as provided by the Act. Other provisions provide that if disinfection be not made within forty-eight hours, a notice shall be placed on the door of the premises to the effect that these apartments have been occupied by a consumptive and must not be occupied until disinfected, etc.

While these provisions are designed for the protection of the public health, they are so drastic that they would have a most deplorable effect if carried out in their entirety. The loss of business, and the inconvenience and loss through disinfection, would cause the closing of all doors against consumptives. These poor unfortunates would be unable to obtain lodgings in any place. They would become outcasts, and shelter would be denied them. Not only would they be excluded from all dwellings, but no person could travel with the assurance of receiving shelter unless he could produce a physician's certificate that he was free from tuberculosis. No landlord would rent apartments without the preliminary requirement of a clean bill of health from his prospective tenant.

J. N. GILLET,
Governor of the State of California.

Message read, and ordered printed in the Journal.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 59 sustained by the following vote:

AYES—None.

NOES—Senators Bills, Birdsall, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 802 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Estudillo as a special committee of one to amend, as follows:

By striking out of Section 1, line 6, the period, and inserting in lieu thereof a comma and the following: "bearing the number and for the amount, respectively, as follows: Coupon number twenty-seven of bond number five hundred and fifty-two.

thirty-five dollars: coupon number twenty-seven of bond number five hundred and seventy-six, seventeen and one half dollars: coupon number twenty-seven of bond number six hundred and twenty-five seventeen and one half dollars: coupon number twenty-nine of bond number eight hundred and forty-six, seventeen and one half dollars: coupon number thirty-one of bond number eleven hundred and twenty, seventeen and one half dollars: and coupon number thirty-three of bond number twenty-four hundred and eighty-three, thirty-five dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 802, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Also:

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 803 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Estudillo as a special committee of one to amend, as follows:

By striking out of Section 1, line 6, the period, and inserting in lieu thereof a comma and the following: "bearing the number and for the amount, respectively, as follows: Coupon number twenty-five, thirty-five dollars: coupon number twenty-seven, three hundred and eighty-five dollars: coupon numbered thirty-one, thirty-five dollars: coupon number thirty-two, seventy dollars: coupon number thirty-six, thirty-five dollars: coupon number thirty-seven, four hundred and ninety dollars: and coupon number thirty-nine, thirty-five dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 803, with instructions to amend, respectfully reports the same back, amended as per instructions.

ESTUDILLO, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Also:

Senator Wright asked for, and was granted, unanimous consent to have Assembly bill No. 580 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Welch as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the words "the owner's request", and inserting in lieu thereof the following: "request of shipper or consignee".

And:

By striking out of Section 1, line 6, the words "the owner's request", and inserting in lieu thereof the following: "request of shipper or consignee".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 580, with instructions to amend respectfully reports the same back, amended as per instructions.

WELCH, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Also:

Senator Bills asked for, and was granted, unanimous consent to have Assembly Bill No. 5 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district to be called Sacramento Drainage District; to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Weed as a special committee of one to amend, as follows:

Amend the title of printed bill by striking out after the words "An Act" the words "To repeal an Act", and inserting in lieu thereof the following: "To amend Section 11 of an Act".

And:

Strike out all of Section 1, and insert in lieu thereof the following:

SECTION 1. Section 11 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district", approved March 20, 1905, is hereby amended so as to read as follows:

Section 11. On or before July 1, 1909, the Board of Drainage Commissioners shall appoint a committee of three persons to act in conjunction with a similar committee appointed by the Governor of the State of California, to determine the proportion to be borne by said district and the State, respectively, of the cost of constructing and completing the works recommended in the report of T. G. Dabney, H. B. Richardson, H. M. Chittenden, and M. A. Nurse, engineers appointed by the Commissioner of Public Works of the State of California, which said report of said engineers was filed with the Commissioner of Public Works of the State of California on the fifteenth day of December, 1904; or such supplemental, amended, or other plan as shall be approved by the State Board of Examiners. When said cost has been apportioned and approved by the Board of Drainage Commissioners, and the State of California and the Government of the United States, or one of them, shall have made an appropriation, or other legal provision, for the payment of the balance of the sum to be expended jointly with said district in performing the work according to the plans recommended by said report of said engineers; or such supplemental, amended or other plan as may be approved by the State Board of Examiners, the said Drainage Commissioners shall appoint three assessors, as in Section 8 of this Act provided. Said assessors shall immediately proceed to assess upon the lands within said drainage district, the said sum so apportioned to said district as its

proportion of the cost of said works, as a charge upon the lands within said district. Separate lists shall be made by said assessors for such assessment, and the same shall be a lien upon the lands so assessed, and in all respects the same proceedings shall be had in the levying, equalizing, and collecting of said assessment as is provided in Sections 8 and 9 of this Act for levying and collecting other assessments, and the provisions of Sections 8 and 9 hereof are hereby made applicable to the assessments to be levied under this section, so far as the same are not in conflict with this section, excepting that the payment of said assessments levied under the provisions of this section shall be directed by the Board of River Control in such amounts as from time to time may be necessary for the purposes of prosecuting said work.

The said assessments may be apportioned upon the said lands at the same time as, and by the same assessors appointed to levy, an assessment under the provisions of Sections 8 and 9 of this Act, and such assessments shall be apportioned according to the benefits that will accrue by the expenditure of said money and the construction of said works.

Said assessments shall be paid to the county treasurer of the county in which the lands are situated, and shall be by said county treasurer deposited in the State treasury to the credit of a fund hereby designated as the river improvement fund.

SEC. 2. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 5, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEED, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Bills, the Secretary was directed to issue a rush order for printing Assembly Bill No. 5.

Also:

Senator Thompson asked for, and was granted, unanimous consent to have Senate Bill No. 1148 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1148.

An Act to provide for the formation, government, and control of overflow districts.
The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever one half or more of the voters residing within a proposed district of swamp, overflow, or other lands lying within this State, one third or more of which lands are liable to be flooded by the waters of any stream or lake, and more than half of said lands requiring irrigation during a portion of the year, susceptible of one mode of irrigation and reclamation, desire to reclaim and irrigate the same, they may present to the board of supervisors of the county in which the lands or the greater part thereof are situated, at a regular meeting of the board, a petition setting forth that they propose to form an overflow district of the same.

SEC. 2. Such petition must contain a description of the lands by legal subdivisions, or by other boundaries, or by subdivisions shown upon a map recorded in the county or counties in which such lands are situated; the approximate number of acres in the proposed district, and each tract with the names (if known) of the owners thereof, and designate as unsold any lands not reduced to private ownership.

SEC. 3. Said petition must be accompanied by the affidavits of at least three signers thereto, showing that not less than one third of the land is subject to overflow, and that all of the lands described in the petition can either be irrigated or reclaimed, or irrigated and reclaimed, by one mode of irrigation and reclamation.

SEC. 4. Said petition must also be accompanied by a certificate of the county clerk of the proper county, showing that the names of the signers of said petition are on the last great register of the precinct or precincts in which the proposed district is situated.

SEC. 5. Such petition must be published for two weeks next preceding the hearing thereof in some newspaper published in the proposed district, or, if no newspaper is published therein, then in some newspaper having a general circulation in said district, and an affidavit of such publication must be filed with said board of supervisors at or before the hearing of said petition.

SEC. 6. If such board of supervisors find on hearing the petition that its statements are correct, they must make an order approving the same and establishing the district. If it be shown that any land has been improperly included in the proposed district, they must reform the boundaries of such district accordingly in their order. The order of approval must be signed by the chairman, and attested by the clerk of said board, and a copy thereof attached to the petition.

SEC. 7. After the approval of the petition by the board of supervisors of the county in which the greater part of the district is situated, the order establishing the district, or a certified copy thereof, must be recorded in the office of the county recorder of each county in which any portion of the lands embraced in the district are situated, in a book kept for the purpose of recording papers relative to overflow districts, and a certified copy thereof forwarded to the Register of the State Land Office by the recorder of the county in which the district was formed.

SEC. 8. Said board of supervisors of said county must thereafter, upon the application of ten or more qualified voters of the district, appoint three eligible freeholders to act as trustees until their successors are elected and qualified.

SEC. 9. When a district is situated in more than one county, the trustees must forward a certified copy of the order of the board of supervisors establishing the district to the clerk of the board of supervisors of the counties in which any portion of the district may lie, and the board to which the same is forwarded must not allow another district to be formed within such district, or including any part thereof.

SEC. 10. All districts organized under this Act must have a State number, and the Register upon receipt of a certified copy of the order of the board of supervisors establishing the district must number the same, and send the number to the county recorder of any county in which the district or a portion thereof is situated, and such recorder must number the records of said district in like manner, and the district must thereafter be known and designated thereby.

SEC. 11. The board of supervisors of the county in which the district was formed must call an election to be held in the district on the second Tuesday after the first Monday in November of the even-numbered years, at which election must be elected three freeholders who are resident voters in said district, and who shall constitute when elected and qualified the board of trustees of the district.

SEC. 12. Notice of such election must be published for at least thirty days prior thereto in a newspaper published in the district, if any newspaper is published therein, and if not, then in some newspaper having a general circulation in the district.

SEC. 13. The supervisors of each county in which said district is wholly or partially situated shall form at least one voting precinct in such district, and appoint an election board, and otherwise provide for such election in the precinct or precincts so formed.

SEC. 14. If the persons appointed on such election board, or any of them, fail to attend at the time and place for election, the voters present at the time and place of opening the polls may appoint the board, or supply the place of any absent member thereof.

SEC. 15. Each member of the board must, before entering upon his duties, be sworn to a faithful performance thereof by some officer authorized to administer oaths, or by any qualified elector.

SEC. 16. The board of trustees must canvass the votes, and issue certificates of election to the persons elected, and must place the ballot when canvassed in an envelope, and forward the same to the clerk of the board of supervisors of the county in which the district was formed.

SEC. 17. Any legally qualified voter may challenge any vote, and the board of election may determine, by oath of the parties or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge either one of the board of election is hereby authorized to administer the oath.

SEC. 18. The polls shall be opened and closed as provided by law for general elections; and the provisions of the general election laws of this State are applicable to elections provided for in this Act, when no different provisions is contained herein.

SEC. 19. The trustees shall hold office for four years succeeding their election, except the first board elected under the provisions of this Act, shall after election, choose by lot two of their number to hold office for a term of two years, and one for a term of four years, or until their successors are elected and qualified.

SEC. 20. In case of a vacancy in the board of trustees, the supervisors of the county in which the district was formed shall, by appointment, fill any vacancy until the next regular election.

SEC. 21. Before entering upon their duties the trustees must take and subscribe to an oath that they will obey the Constitution of the United States, of the State of California, and the laws and statutes thereof, and will faithfully and diligently discharge the duties of their office according to law.

SEC. 22. The trustees of any district organized under this Act shall give a bond of two thousand five hundred dollars each for the faithful performance of their duties, which bond must be approved by a judge of the superior court of the county in which the district was formed.

SEC. 23. The board of trustees must keep an office at some convenient place in the district for the transaction of the business of the district, in which must be kept the books, maps, papers, records, contracts, and all other documents pertaining to the affairs of the district; they shall also keep a record and books of account of all expenditures and disbursements, and minutes of the meetings of the board, and such books, records and maps shall be open for inspection by all persons interested, at all reasonable times.

SEC. 24. The trustees must upon the request of the board of supervisors of any county in which the district or any part thereof is situated, forward to said board copies of any papers in their possession belonging to said district, and any other information they may require, pertaining to the business and affairs of the district.

SEC. 25. The trustees must adopt by-laws for the government and control of the affairs of the district, not otherwise provided by law. The by-laws thus adopted must be approved by the supervisors of the county or counties in which the district is situated, and thereafter filed for record with the county recorder of said county or counties in the book kept by him for the purpose of recording instruments and writings relative to overflow districts.

SEC. 26. The by-laws may be amended from time to time in the same manner as the original by-laws were adopted.

SEC. 27. After the by-laws are recorded the district shall be deemed organized for all purposes, and may then sue and be sued in the courts of competent jurisdiction.

SEC. 28. The board of trustees shall elect one of their number president thereof; they shall have power to employ an attorney, engineer, clerk, and such other employees as may be necessary for the transaction of business and the reclamation and irrigation of the lands of the district; to modify or change such original plan or plans, adopt new and supplemental or additional plans.

SEC. 29. Said board shall have power to acquire by purchase or otherwise necessary lands, right of way, and the right to take material for the construction of all works necessary to reclaim and irrigate the lands of the district, including drains, canals, sluices, bulkheads, water gates, levees, pipe lines, pumping plants, culverts, embankments, and all other things necessary to construct, maintain, and keep in repair all works, requisite and necessary to that end; and do all other acts and things necessary and required to properly reclaim and irrigate the lands embraced in the district.

SEC. 30. Whenever in their judgment it becomes necessary, the trustees may in the name of the district, or the president thereof, acting in their behalf, proceed under the provisions of title seven, part three, of the Code of Civil Procedure, for the condemnation of any lands or material needed by the district for right of way or for other purposes pertaining to the construction, maintenance, or repair of the works of the district, whether said land or material is outside of or within the limits of the district, and the title of said lands and material, whether acquired by condemnation or otherwise, shall become vested in the district.

SEC. 31. All work necessary for the irrigation and reclamation of the lands of the district must be executed under the direction of, and in the manner prescribed by, the board of trustees.

SEC. 32. Whenever the trustees find that the surveys of the lands within the district, made by the authority of the United States Land Office, are incomplete or inaccurate, they shall cause their engineer to survey and map the boundaries of the district, and all property lines embraced therein; and after said map has been approved by the supervisors, and the county surveyor of the county or counties in which said district is situated, it shall be recorded in the office of the county recorder, in the map book of said county or counties, and shall thereafter for all purposes provided by law become the official map of said district, and the lands embraced therein, subject to amendment or change, in the same manner as the original map was prepared and adopted.

SEC. 33. The trustees may by provision of the by-laws allow the water supplied by the district to be used for domestic, power, irrigation, and other purposes; and they shall adopt rules and charges for the use and distribution of the same, which shall become effective when approved by the board of supervisors of the county or counties in which the district is situated.

SEC. 34. The trustees shall draw all warrants upon the funds of the district, either in money or bonds; after the warrants are approved by the supervisors of the county in which the district was formed they are to be presented to the treasurer of said county, and if not paid upon presentation such endorsement must be made thereon, and they must be registered and bear interest from the date of presentation; but no warrant shall be an indebtedness against the district until it has been approved by the board of supervisors of said county.

SEC. 35. The trustees must at the end of each month pay all money received by them for the district, from the sale of water, material, or from other sources into the treasury of the county in which the district was formed, and the treasurer must receipt for the same, and place such money to the credit of the district.

SEC. 36. The several members of the board of trustees of overflowed districts shall each be entitled to receive, for legal and necessary services performed, and for expenses incurred by them respectively for and in the interest of the district, such compensation as the board shall determine to be just and reasonable for which warrants of the district may be drawn, and paid in the same manner, and out of the same funds as other warrants of the district, after they have been approved by the board of supervisors of the county in which the district was formed.

SEC. 37. The board of trustees must report to the board of supervisors of the county or counties in which the district is situated such original plan or plans of the work; and every new, supplemental, or additional plan, if any, together with the estimates of the cost of the work necessary, for the reclamation and irrigation of the lands in the district, in pursuance of such plan or plans, together with the estimates of the incidental expenses, supervision, repairs, and cost of collections, and such other expenses necessary to the construction and maintenance of said work.

SEC. 38. The purchaser of any tract of land which may be unsold in any overflow district at the time said district was formed takes the same, subject to all the provisions of such by-laws and charges assessed in pursuance thereof.

SEC. 39. Such purchaser has all the rights and privileges enjoyed by original petitioners, if he pays into the county treasury of the county in which the district was formed, to the credit of said district, twenty per cent of the principal, one year's interest on the remaining eighty per cent, and any charges assessed against the lands so purchased and remaining unpaid; and each year thereafter shall continue to pay twenty per cent of the principal, and interest on the remainder until the whole of said assessment or charges have been paid.

SEC. 40. From the time the purchaser has acquired said land designated upon the petition as unsold, the district shall have a lien upon said land for the amount of the unpaid assessments, which lien, together with the costs, may be collected by the trustees of the district, in a suit to be brought in the name of the district by said trustees at any time after said purchaser has defaulted in any of the payments provided for in Section 39 of this Act.

SEC. 41. Whenever the supervisors of any county in which any overflow district has been formed under the provisions of this Act certify to the Register of the State Land Office that the works of irrigation and reclamation are in progress, in conformity with the requirements and plans heretofore provided, the payment of interest by purchasers in such district is hereby suspended; but if the works are not completed and accepted within five years of the date of filing the petition, the interest for the whole time must be charged and collected by the Register.

SEC. 42. Whenever the trustees certify under oath to the board of supervisors of the county in which the district was formed, and show to their satisfaction that the works of reclamation and irrigation are completed, or that two dollars in money per acre has been expended on said works of reclamation and irrigation, the board of supervisors must certify such fact to the Register.

SEC. 43. The Register must thereupon forward to the county clerk of the county in which said district or any part thereof is situated a statement showing the names of purchasers of the lands in the district who have paid in full therefor; and thereafter the purchase money shall be refunded to the purchaser upon the order of the trustees of the district, approved by the supervisors of the county in which the land is situated, in the same manner as provided by law for the reclamation of swamp and overflow lands.

SEC. 44. The revenue of overflow districts formed under this Act, other than that received from the sale of water, franchises, power, and from other sources by the trustees of the district, and approved by the board of supervisors of the county in which the district was formed, must be derived from a tax levied upon the taxable property of the district, as shown by the last assessment roll of the county or counties in which the district, or a part thereof, is situated.

SEC. 45. The board of trustees of overflow districts formed under this Act must, on the first Monday in June of each year, certify to the clerk of the board of supervisors of the county or counties in which the district or any part thereof is situated an estimate of the expenditures necessary to conduct the business, and execute the work of the district, also the amount of interest and principal of any bonded or other indebtedness, that will become due during the ensuing year.

SEC. 46. The assessor of each county in which the district is wholly or partially situated shall each year, after the county assessments have been equalized by the State Board of Equalization, and prior to the time when the board of supervisors of the counties meet to levy the taxes for county purposes, certify to the board of supervisors of said county or counties a statement of the equalized value of all taxable property within the district and situated in the county in which he is the assessor; thereupon, the board of supervisors of the county or counties in which any portion of said district is situated shall, at the time of levying taxes for county purposes, levy a tax upon the property of such district situated in said county or counties sufficient to meet the requirements of said district, and to pay the interest which

may become due on any bonds, or other indebtedness, of such district during such year, and if any portion of the principal of said bonds, or other indebtedness, shall become due during the year an amount sufficient to pay such portion of such principal, and such other charges against such district, necessary to maintain and construct the works and conduct its business, less the amount estimated by the trustees to be derived from the sale of water, or other sources under their control during said year; the tax must be levied upon the property of the district situated in such county or counties by the board of supervisors of each county according to the ratio which the assessed valuation of the property of said district situated in such county bears to the total valuation of the property of the district.

SEC. 47. All taxes so levied must be computed and entered upon the assessment roll of the county where such property may be situated by the county auditor, and collected by the tax collector, at the same time and in the same manner as State and county taxes, and when collected shall be paid into the county treasury for the use of such district.

SEC. 48. When any tax has been collected under the provisions of this Act, and placed in the treasury of any county other than the one in which the district was formed, the treasurer of said county must, within thirty days after receipt of the same, forward all money in such treasury belonging to the district to the county treasurer of the county in which the district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

SEC. 49. No assessor, tax collector, treasurer, or clerk shall receive any fee for any services required to be performed by them under the provisions of this Act. All expenses necessarily incurred in carrying out the provisions of this Act shall be paid to the board of supervisors of the county incurring the expense, for the benefit of said county, by warrants of the district, in the same manner as other expenses of said district.

SEC. 50. If the owners of lands representing more than two thirds of any body of lands within any overflow district formed under this Act, in which such lands have not been reclaimed or irrigated, and for which the trustees have made no provision for such reclamation and irrigation, desire to have such body of lands set over from said district, they must, in addition to the petition required for that purpose, show to the board of supervisors in which the district is formed that said body of lands is capable of an independent mode of reclamation and irrigation, and that said body of lands could not be reclaimed and irrigated according to the plans and specifications adopted by the board of trustees of the district, and that such segregation would not endanger or delay, or otherwise interfere with the work of irrigating and reclaiming the remainder of the district.

SEC. 51. Whenever, in the opinion of the board of trustees of any overflow district formed under this Act, the cost of reclamation and irrigation according to the plans thereof will be too great to be raised by taxes as provided in this Act, to be paid within one year, the board of trustees of such district shall, for the purpose of voting the necessary bonded indebtedness therefor, order a special election to be held in said district at some time and some place or places designated by them.

SEC. 52. At such special election, there shall be submitted to the voters of said district the question of whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation and irrigation, and which amount shall be estimated by said board of trustees and stated in the order for such special election.

SEC. 53. Said election shall be called by the supervisors of the county in which the district was formed, upon petition signed by at least two members of the board of trustees, and said election shall conform to the provisions of this Act, relative to election, and to the election laws of the State of California, and the question whether or not bonds of said district shall be issued in the amount named in the estimate and order of the board of trustees for reclaiming and irrigating the lands of said district shall be submitted to the voters thereof.

SEC. 54. The notice of such special election shall specify the time and place or places of holding such election, the amount of bonds proposed to be issued, the names of the persons to act as the board or boards of election, and the ballot shall contain the words, "Bonds—Yes" and "Bonds—No."

SEC. 55. If a majority of the votes cast at such election are in favor of the bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the treasurer of the county in which the district was formed.

SEC. 56. The treasurer of said county shall place the bonds issued pursuant to this Act to the credit of said district, and may at any time upon the order of the board of supervisors of said county sell any of said bonds for best price obtainable therefor, but in no event for less than the face value of said bonds and the accrued interest thereon. Any money derived from the sale of such bonds by such county treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of such treasurer.

SEC. 57. Said bonds shall be of a denomination of not less than one hundred dollars, and not more than one thousand dollars each, shall be negotiable in form, signed by the board of trustees, and the chairman of the board of supervisors of

the county in which the district was formed, and attested by the clerk of said board of supervisors, and the seal of such board of supervisors, and shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this Act, stating the title and date of approval, and the date of election at which such issuance was authorized.

Sec. 58. The bonds shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year, at the office of the county treasurer of the county in which the district was formed, or some other place allowed by law, and approved by the supervisors of said county, and the judge or judges of the superior court thereof, upon presentation of the proper coupons therefor.

Sec. 59. Coupons for such installment and interest shall be attached to said bonds, and shall be numbered, signed, and attested in the same manner as the bonds.

Sec. 60. The principal of said bonds shall be paid as follows, to wit, five per cent of the whole amount of the bonds issued, according to their consecutive numbers, shall be paid ten years from their date of issue, at the place provided for their payment, and five per cent thereof each succeeding year thereafter, until all are paid.

Sec. 61. When said bonds are issued in accordance with the provisions of this Act they shall be deemed municipal bonds, for all purposes mentioned in the codes and statutes of this State. The principal and interest of said bonds shall be paid by revenue derived from a tax levied upon the assessable property of the district, in accordance with the provisions of this Act.

Sec. 62. If any bond shall not be presented for payment when it becomes due, it shall cease to draw interest; but if presented at such time and not paid for the want of funds, the county treasurer shall so endorse it, and thereafter such bonds shall draw interest until paid at the date specified therein.

Sec. 63. The board of trustees of said district may draw orders upon the county treasurer of the county in which the district was formed, payable in bonds or money in proportion to the amount thereof, to pay for labor and services performed, for materials or property furnished to said district, for the purpose of constructing, repairing, and maintaining the reclamation and irrigation works thereof, and the contingent expense of said district, which order shall be approved by the board of supervisors of said county, and thereafter paid by said treasurer, in the manner therein provided for, if such bonds then remaining in the treasury to the credit of the district be sufficient to pay the same.

Substitute read and adopted.

Bill ordered to print, engrossment, and on file for third reading.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Hurd, granted leave of absence for this day.

MEMBERS' SPECIAL URGENCY FILE.

Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1242 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1033—An Act to amend Section 4264 of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1033 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Strobbridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

On motion of Senator Sanford, Senate Bill No. 1229 was temporarily passed on file, to retain its place.

Assembly Bill No. 185—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 67a, relating to extra sessions of the Superior Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Cutten, Estudillo, Finn, Hare, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Senate Bill No. 748 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and make an appropriation for the expenses of his office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 334 passed by the following vote:

AYES—Senators Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Thompson, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Bell, Bills, Holohan, Lewis, Rush, Sanford, Strobbridge, and Walker—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Hurd moved that the vote whereby Senate Bill No. 913—An Act to add a

new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof—was passed, be now reconsidered.

Motion duly seconded.

The question being on motion to reconsider.

The roll was called

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion duly seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Curtin, Cutton, Estudillo, Holohan, McCartney, Miller, Sanford, Strobridge, Thompson, Weed, and Willis—15.

NOES—Senators Bills, Finn, Leavitt, Price, Walker, Welch, and Wolfe—7.

Time, nine o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hurd.

The roll of absentees was called.

Whereupon the President announced that the motion to reconsider was lost by the following vote:

AYES—Senators Bell, Campbell, Cartwright, Curtin, Cutton, Estudillo, Holohan, Hurd, McCartney, Miller, Roseberry, Rush, Sanford, Strobridge, Thompson, Weed, Willis, and Wright—18.

NOES—Senators Birdsall, Caminetti, Finn, Hare, Kennedy, Leavitt, Lewis, Price, Reilly, Walker, Welch, and Wolfe—12.

Bill ordered transmitted to the Assembly.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED)

Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Senate Bill No. 745 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1186—An Act to amend Section 869 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1186 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Miller, Price, Reily, Roseberry, Rush, Thompson, Walker, Welch, Willis, Wolfe, and Wright—24.

NOES—Senator McCartney—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 27—An Act to provide for the employment of a clerk by certain justices of the peace, and to pay the salaries of such clerk.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

On motion of Senator Cutten, Senate Bill No. 1108 was temporarily passed on file, to retain its place.

Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating, or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Senate Bill No. 1027 temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901,' " by adding thereto a new section, to be numbered 20a.

Assembly Bill No. 1353 temporarily passed on file, in the absence of author, to retain its place.

Senate Bill No. 743—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 refused passage by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Cutten, Hare, Holohan, Kennedy, Miller, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, and Welch—16.

NOES—Senators Bills, Curtin, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, McCartney, Price, Reily, Weed, Willis, Wolfe, and Wright—15.

SENATE JOINT RESOLUTION No. 20.

Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

WHEREAS, The officers and privates of the First Battalion Mountaineers, California Volunteers, served during the War of the Rebellion against the Indians of the frontier counties; and

WHEREAS, Under the provisions of the general pension laws, and the several special pension Acts, said volunteers have always been held entitled to the benefits of said pension laws, and have for many years received pensions from the Government for said service during the rebellion, which pensions have been in most cases the only means of support of these old volunteer soldiers; and

WHEREAS, Under a recent ruling of the Department of the Interior it has been held that the pension laws do not include the volunteer soldiers who fought during the War of Rebellion against the Indians; and

WHEREAS, There is now pending in the Congress of the United States a bill introduced in the Senate and House of Representatives to extend the provisions of the pension laws to include the officers and privates of the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion and were honorably discharged, and to the widows and minor children of such volunteer soldiers; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Members in Congress be requested, to use all honorable means to secure the prompt passage by Congress of the bill referred to in the preamble of this resolution.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 20 adopted by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Joint Resolution No. 20 considered engrossed, and ordered transmitted to the Assembly.

Senate Bill No. 508—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—Senators Kennedy and Welch—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and forty minutes P. M., Senator E. I. Wolfe, President pro tem, of the Senate, in the chair.

Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 426.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1256—An Act to amend Section 3 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians,

undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act." approved March 18, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1256 finally passed by the following vote:

AYES—Senators Birdsall, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Lewis, McCartney, Price, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1076—An Act providing for separation of certain territory from cities of the fourth, fifth, and sixth classes.

Read third time.

On motion of Senator McCartney, Senate Bill No. 1076 was temporarily passed on file, to retain its place.

Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

On motion of Senator Finn, Senate Bill No. 560 was temporarily passed on file, to retain its place.

Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Curtin, Cutten, Estudillo, Hartman, Holahan, Hurd, Lewis, Miller, Price, Reily, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—Senator Kennedy—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 955—An Act to amend Section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holahan, Hurd, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1072—An Act making an appropriation of one thousand seven hundred and twenty-five dollars (\$1,725) to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the State Normal School at San Jose, and defining the duties of the Controller and Treasurer in reference thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1072 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 806—An Act to amend Section 2687 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 806 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 8.

Relative to appointment of a committee of five by the Governor, to investigate the feasibility of dividing the State into fish and game districts.

Be it resolved by the Assembly of the State of California, the Senate concurring. That a committee of five persons be appointed by the Governor for the purpose of investigating into the feasibility of dividing the State of California into fish and game districts, as contemplated by the constitutional amendment adopted in 1902, and to gather such information as will enable said committee to make a full and comprehensive report thereon to the thirty-ninth session of the Legislature.

That said committee be and it is hereby empowered to administer oaths and issue subpoenas requiring persons residing in this State to appear and testify before said committee.

Said committee shall have and is hereby given power and authority to incur all necessary expense to perform the duties herein specified, and make its report to the Governor and the next Legislature, and to make in such report such recommendation and prepare such laws as will carry out the purpose of this resolution.

That the expenses to be incurred under the authority of this resolution shall not exceed in the aggregate the sum of \$5,000.00, and such amount shall be payable one half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds upon the presentation of claims audited by the committee and filed by the chairman thereof, and the State Treasurer shall pay the same.

Assembly concurrent resolution read.

During the reading of the Assembly concurrent resolution the following amendment was submitted by committee:

On page 2, lines 20, 21 and 22, strike out after the word "payable", on line 20, the following: "One half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate", and insert in lieu thereof the following: "out of the game preservation fund".

Amendment adopted.

Assembly Concurrent Resolution No. 8 ordered to print and on file.

Assembly Bill No. 1051—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1051 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold-storage and ice plant; for the purchase and installation in the said building of a cold-storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1018—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, McCartney, Price, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to have Assembly Bill No. 1125 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Strobridge as a special committee of one to amend, as follows:

By striking out of line 15 the word "order", and all after the word "order" to and including the words "last amendment", at the end of the sentence, on line 18, and inserting in lieu thereof the following: "following order: first, the Senate constitutional amendments in the order of their introduction; next, the Assembly constitutional amendments in the order of their introduction; finally, the propositions in the order in which they are passed by the Legislature. The first Assembly amendment shall follow numerically the last Senate amendment; and the first proposition shall follow numerically the last Assembly amendment."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1125, with instructions to amend, respectfully reports the same back, amended as per instructions.

STROBRIDGE, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Leavitt, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Bill read second time, and ordered on file for third reading.

Assembly Bill No 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining and mineral claims.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 99--An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing Committee on Text-books.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, of the printed bill, insert the words "Section 1.", at the beginning of the line.

Amendment adopted.

Also:

On page 2, Section 1, line 20, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

Also:

On page 2, Section 1, line 28, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

Also:

On page 2, Section 1, line 42, strike out the word "section" before the number "1874a."

Amendment adopted.

Also:

On page 2, Section 1, line 43, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

Also:

On page 2, Section 1, lines 48 and 49, strike out the words "including civic righteousness", and insert in lieu thereof the following: "emphasizing the principles of good citizenship".

Amendment adopted.

Also:

On page 3, Section 1, line 61, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 3, Section 1, line 70, strike out the words "primary or grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

Also:

On page 3, Section 1, line 73, strike out the word "eight", and insert in lieu thereof the following: "six nor more than ten".

Amendment adopted.

Also:

On page 3, Section 1, line 94, strike out the word "eight", and insert in lieu thereof the following: "six nor more than ten".

Amendment adopted.

Also:

On page 4, Section 1, line 100, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 4, Section 1, line 108, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 4, Section 1, line 119, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 5, Section 1, line 143, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 5, Section 1, lines 157 and 158-9, strike out the words "primary and grammar", and insert in lieu thereof the word "elementary".

Amendment adopted.

Also:

On page 5, Section 1, line 160, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 6, Section 1, line 183, strike out the word "section", at the beginning of the line.

Amendment adopted.

Also:

On page 6, Section 1, line 195, strike out the word "section", at the beginning of the line.

Amendment adopted.

And:

On page 6, after line 197, insert the following: "1874). The office of secretary to the State Text-book Committee is hereby created. The State Text-book Committee shall elect a person of recognized ability and experience to fill said office. Said secretary shall be provided with an office at the State Capitol, in Sacramento, in connection with that of the Superintendent of Public Instruction, and shall keep the books, accounts, and all records of the said committee and perform such other duties as may from time to time be required of him by said committee. Said secretary shall hold office at the pleasure of the committee, and shall receive a salary of twenty-five hundred dollars per year, payable monthly out of the state school book fund, and in the same manner as the salaries of the State officers are paid."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 1, 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force, relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," to repeal Sections 13 and 24 of said Act; also to amend Sections 10, 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21^{1/2} of said Act as added thereto by said Act approved March 20, 1903, and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 11, page 10, of printed bill, by striking out the comma and the word "as", after the word "cappers", in line 16, and insert in lieu thereof the word "or".

Also:

Amend Section 11, page 10, of printed bill, by striking out line 16a.

And:

Amend Section 8, page 7, of printed bill, by inserting after the word "study", in line 25, the following: "or who has received an equivalent education."

Also:

Offered by Senator Hurd:

Amend by inserting in Section 8, line 4, after the word "following": "No person shall be eligible for examination by the State Board of Dental Examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental

college, which must have been indorsed by the Board of Dental Examiners of California, or who shall not furnish to said board of examiners a certificate from the State Board of Dental Examiners, or similar body, of some other State in the United States, showing that he or she has been a licensed practitioner of dentistry in that State for at least five (5) years; *provided* that every person actually engaged as an apprentice to a regularly licensed dentist in the State of California at the time of the passing of this Act shall be eligible for examination, if, within thirty (30) days after the passage of this Act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination, shall show to the satisfaction of the board that he has served an apprenticeship of at least four (4) years, and is a graduate from a high school or similar institution of learning in this or some other State of the United States requiring a three (3) years' course of study, *and provided*, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than June, 1913.

"All persons shall be eligible for examination by the State Board of Dental Examiners who shall furnish satisfactory evidence of having graduated from a reputable dental college; or who shall furnish, at least ten days before the date set for examination by said State Board, a certificate signed by at least two duly licensed dentists of this State, each of whom shall have been regularly licensed and engaged in the actual practice of dentistry for at least four years next theretofore, stating in substance that they have and each of them has carefully and diligently examined the applicant touching the qualifications of said applicant in point of learning and experience in dentistry; that it satisfactorily appeared to them, and to each of them upon such examination, that the applicant had been engaged in the study of and had practical experience in dentistry continuously for the period of four years next theretofore, naming the place at which, if any, such study and experience has been prosecuted and obtained, and the applicant had during that time had actual experience, and had read books upon each and all of the subjects mentioned in Section 8 of this Act, which subjects shall be enumerated in the certificate, and stating any other facts tending to show the character of the attainments of the applicant, and also stating that in their opinion, the applicant possesses the requisite qualifications in point of learning and experience to be entitled to become a licensed dentist, or who shall furnish to said board of examiners a certificate from the State Board of Dental Examiners or similar body of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that State for at least five years; *provided* that all persons who have been for ten years last past continuously engaged in the practice of dentistry (or to whom temporary licenses have heretofore been issued under previous Acts) shall not be required to take the written examination as required in Section 8 of said Act, but shall be permitted to demonstrate their skill and ability to practice dentistry to the said Board of Dental Examiners, who shall, if said applicants exhibit reasonable skill in the practice of dental surgery, issue a license authorizing them to practice dentistry in this State without further examination."

Amendments read, and ordered printed in the Journal.

Assembly Bill No. 1259—An Act amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 673—An Act to amend Article XVI of the Political Code in regard to county boards of education.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, second line 1, of the printed bill, strike out the word "section", before the number "1770", at the beginning of the line.

Amendment adopted.

Also:

On page 3, Section 1, third line 1, of the printed bill, strike out the word "section", before the number "1771", at the beginning of the line.

Amendment adopted.

Also:

On page 5, Section 1, fourth line 1, of the printed bill, strike out the word "section", before the number "1772", at the beginning of the line.

Amendment adopted.

Also:

On page 6, Section 1, fifth line 1, of the printed bill, strike out the word "section", before the number "1773", at the beginning of the line.

Amendment adopted.

Also:

On page 6, Section 1, sixth line 1, of the printed bill, strike out the word "section", before the number "1774", at the beginning of the line.

Amendment adopted.

Also:

On page 7, Section 1, seventh line 1, of the printed bill, strike out the word "section", before the number "1775", at the beginning of the line.

Amendment adopted.

Also:

On page 9, Section 1, eighth line 1, of the printed bill, strike out the word "section", before the number "1776", at the beginning of the line.

Amendment adopted.

Also:

On page 9, Section 1, ninth line 1, of the printed bill, strike out the word "section", before the number "1778", at the beginning of the line.

Amendment adopted.

Also:

On page 11, Section 1, tenth line 1, of the printed bill, strike out the word "section", before the number "1779", at the beginning of the line.

Amendment adopted.

Also:

On page 11, Section 1, lines 3 and 4, of the printed bill, after the word "district", strike out the words "and having two or more teachers".

Amendment adopted.

Also:

On page 11, Section 1, line 4, of the printed bill, after the word "prescribe", insert the following: "as postgraduate work".

Amendment adopted.

Also:

On page 11, Section 1, line 4, of the printed bill, after the word "the", strike out the word "tenth", and insert in lieu thereof the word "ninth".

Amendment adopted.

Also:

On page 11, Section 1, line 7, of the printed bill, after the word "such", insert the following: "ninth or the ninth and".

Amendment adopted.

Also:

On page 11, Section 1, line 7, of the printed bill, strike out the word "year", and insert in lieu thereof the word "years".

Amendment adopted.

And:

On page 11, Section 1, line 8, of the printed bill, after the word "schools", strike out the remainder of the line, and also all of lines 9, 10, 11, and 12, and insert in lieu thereof the following: "provided, that all expense of such postgraduate work shall be paid from special funds of such districts."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force relating to estrays," approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 826—An Act to amend Section 198, Code of Civil Procedure, relating to jurors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine a, relating to appointment of poundkeepers outside of incorporated cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land.

Bill read second time, and ordered on file for third reading.

Assembly Bill 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the quotation marks before the word "any".

Amendment adopted.

And:

Strike out all of Section 2, 3, 4, 5, 6, and 7.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.
Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

During second reading of bill, the following amendment was submitted by committee:

On page 3, of the printed bill, strike out all of Sec. 9, and insert in lieu thereof the following:

Sec. 9. The following shall be the rates of pilotage into or out of the harbor of San Pedro, including the port of Wilmington: All vessels under five hundred tons, three dollars per foot draught; all vessels over five hundred tons, three dollars per foot draught and three cents per ton for each and every ton, gross registered tonnage.

When a vessel is spoken and the services of a pilot are declined, the pilot shall be entitled to one half pilotage rates.

All vessels under American register engaged in the coasting trade between the ports of the United States, Canada and Mexico, on the Pacific coast; also all vessels engaged in the whaling and fishing trade, shall be exempt from all charges for pilotage, unless a pilot shall actually be employed.

A vessel is spoken by day by a pilot displaying a union jack, and by night displaying a torch or flare-up, within a distance of three miles of the vessel.

Sec. 10. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

SPECIAL FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Leavitt, the Special File of Appropriation Bills was taken up.

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Assembly Bill No. 128 taken up for consideration out of order.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Also:

Senator Price asked for, and was granted unanimous consent to have Assembly Bill No. 131 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 131—An Act authorizing or directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Also:

Senator Estudillo asked for, and was granted, unanimous consent to have Assembly Bill No. 1237 taken up for consideration out of order.

Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1237 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Caminetti, Campbell, Curtin, Estudillo, Holohan, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 64?"

On page 1, Section 1, line 4, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Also:

On page 1, Section 1, line 5, of the printed bill, strike out the word "October", and insert in lieu thereof the word "November".

And:

Strike out the words "first day of August", in line 5, page 1, of printed bill, and insert in lieu thereof the words "fifteenth day of July".

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 64 by the following vote:

AYES—Senator Curtin—1.

NOES—Senators Bell, Birdsall, Caminetti, Campbell, Cutten, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Sanford, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

Senate Bill No. 64 ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to have Assembly Bill No. 1255 taken up for consideration out of order.

Assembly Bill No. 1255—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4154, relating to the office of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1255 finally passed by the following vote:

AYES—Senators Bell, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND-READING FILE OF COUNTY GOVERNMENT BILLS—(OUT OF ORDER).

On motion of Senator Caminetti, the Second-Reading File of County Government Bills was taken up.

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

During second reading of bill, the following amendment was submitted by committee:

Amend the reengrossed bill by striking out of line 23, page 2, the word "twelve", and inserting in lieu thereof the word "sixteen".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

During second reading of bill, the following amendments were submitted by committee:

On page 2, line 31, of the reengrossed bill, strike out the word "July" and insert in lieu thereof "June".

Amendment adopted.

And:

On page 3, line 51, of the reengrossed bill, after the word "shall", insert the word "each".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator McCartney:

Resolved, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for

the sum of \$264.73, in payment of the bills hereto attached, and the State Treasurer is directed to pay the same.

H. S. Crocker Company.....	\$32 90
Kane and Trainor Ice Company.....	28 00
John Breuner Company.....	22 20
Whiskey Hill Water Company.....	42 00
F. R. Pulford.....	2 10
Scott, Lyman & Stack.....	15 00
Wells, Fargo & Company.....	48 03
Pacific Telegraph and Telephone Company	64 50
M. Fraler	10 00
	<hr/>
	\$264 73

Resolution read, and referred to Committee on Contingent Expenses.

WITHDRAWAL OF BILL.

Senator Holohan asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1085—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Senate Bill No. 1085 withdrawn, and ordered stricken from the file.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 17, 1909.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 16, 1909, the further reading was dispensed with, on motion of Senator Price.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. J. E. Anthony of San Francisco.

Also:

On request of Senator Welch, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Rev. T. P. Moran of San Francisco.

Also:

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Charles Fisher.

Also:

On request of Senator Savage, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. H. C. Dibble.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Dean Sharp of University of California.

Also:

On request of Senator Bell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. O. P. Roller.

Also:

On request of Senator Kennedy, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge Bernard J. Flood and Mr. William Lynch of San Francisco.

Also:

On request of Senator Lewis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. Chapelle of Oakland.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. John T. Murray of San Francisco.

And:

On request of Senator Holohan, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Thomas Beck of Watsonville.

UNFINISHED BUSINESS.

The question being, "Shall the Senate recede from the following Senate amendment to Assembly Bill No. 167?"

By striking out of Section 2, line 17, page 2, from and including the word "when-ever" to and including the period on line 27 thereof.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Welch asked for, and was granted, unanimous consent to be excused from voting on the pending question.

Whereupon the President announced that the Senate refused to recede from the above Senate amendment to Assembly Bill No. 167 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Campbell, Cartwright, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Strobbridge, and Weed—18.

NOES—Senators Anthony, Burnett, Caminetti, Finn, Kennedy, Savage, Thompson, Walker, Wolfe, and Wright—10.

Assembly Bill No. 167 ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he had appointed Senators Martinelli, Hurd, and Finn on the Committee on Conference on Assembly Bill No. 167.

UNFINISHED BUSINESS—(RESUMED).

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 302?"

Amend Section 17, page 13, line 4, of the printed bill, by inserting before the word "upon" the following: "Two months previous to the expiration of the term of service of any officer, or".

Also:

On page 12, strike out the whole of Section 15.

Also:

In the title, strike out the words and figures "one thousand nine hundred and fifty-six".

Also:

In Section 4, line 38, page 5, of the printed bill, insert after the word "general" the words "and the colonel".

Also:

In Section 16, line 6, page 12, of the printed bill, strike out the word "advise", and insert in lieu thereof the word "advice."

Also:

In Section 16, line 8, page 12, of the printed bill, insert after the word "appointments" the words "subject to".

Also:

In Section 16, line 8, page 12, of the printed bill, strike out the word "to".

And:

In Section 27, line 9, page 22, of the printed bill, after the word "department" insert the following: "the assistant adjutant general."

The roll was called, and the Senate receded from the above Senate amendments to Assembly Bill No. 302 by the following vote:

AYES—Senators Anthony, Birdsall, Burnett, Cartwright, Curtin, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—23.

NOES—Senator Bell—1.

MOTION TO RECONSIDER LOST.

Senator Welch moved that the vote whereby the Senate, on this day, receded from Senate amendments to Assembly Bill No. 302 be now reconsidered.

Motion duly seconded.

Motion lost.

Bill ordered transmitted to the Assembly.

Also:

RESOLUTION BY SENATOR WRIGHT.

WHEREAS, An Act of Congress entitled "An Act for the admission of California into the Union," approved September 9, 1850, among other things provides "that all the navigable waters within the State shall be common highways and forever free as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost or duty therefor;" and

WHEREAS, An attempt was made many years ago to convey to private ownership certain lands within the jurisdiction of this State and lying below the ordinary high tide line, in violation of the letter and spirit of the said Act admitting the State of California into the Union; and

WHEREAS, Certain lands of great value lying below the ordinary high tide line and within the bays of San Francisco, Vallejo, Eureka, San Pedro, and San Diego are now held in alleged private ownership adversely to the State: now, therefore, be it

Resolved, That the Senate of the State of California respectfully calls the attention of the Governor and the Attorney General to the conditions above recited, to the end that they may take such legal steps as will protect and preserve the interest

of the State of California in all tide lands lying within the harbors of this State; *provided, however*, that this resolution shall not apply to tide lands within the corporate limits of the city of Oakland.

Resolution read.

Senator Wright moved to amend by striking out the words "San Pedro."

Motion duly seconded.

Senator Wolfe moved to amend the motion by Senator Wright, by including therein the words "and San Francisco," after the words "San Pedro."

Senator Caminetti moved, as a substitute for the pending question, the following:

WHEREAS, An Act of Congress entitled "An Act for the admission of California into the Union," approved September 9, 1850, among other things provides "that all the navigable waters within the State shall be common highways and forever free as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor;" and

WHEREAS, An attempt was made many years ago to convey to private ownership certain lands within the jurisdiction of this State and lying below the ordinary high tide line, in violation of the letter and spirit of the said Act admitting the State of California into the Union; and

WHEREAS, Certain lands of great value lying below the ordinary high tide line and within the bays of San Francisco, Vallejo, Eureka, San Pedro, and San Diego are now held in alleged private ownership adversely to the State; now, therefore, be it

Resolved, That the Senate of the State of California respectfully calls the attention of the Governor and the Attorney General to the conditions above recited, to the end that they may take such legal steps as will protect and preserve the interest of the State of California in all tide lands lying within the harbors of this State.

Motion duly seconded.

The question being upon the substitute.

The roll was called, and the substitute carried by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Hartman, Lewis, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, and Wright—21.

NOES—Senators Anthony, Finn, Kennedy, Leavitt, Weed, and Willis—6.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

UNFINISHED BUSINESS—(RESUMED).

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 4.

Proposed amendment to Article XII of the Constitution, relative to Railroad Commission.

The Legislature of the State of California, at its regular session commencing on the fourth day of January, A. D. 1909, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose an amendment to the Constitution of the State of California by amending Section 22 of Article XII, and by repealing Section 23 of Article XII thereof.

First—Section twenty-two of article twelve is hereby amended to read as follows:

Section 22. There is hereby created a Railroad Commission, which shall consist of three members, and which shall be known as "The Railroad Commission of the State of California." The commissioners shall be appointed by the Governor by and with the advice and consent of the Senate. Of the members of the commission first appointed hereunder one shall hold office until February 1, 1913, one until February 1, 1915, and one until February 1, 1917. The term of office of each commissioner so appointed shall begin on the first day of February, 1911. Upon the expiration of each of said terms the term of office of each commissioner thereafter appointed shall be six years from the first day of February, immediately succeeding the expiration of the term of his predecessor. Whenever a vacancy in the commission shall occur the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to the confirmation of the Senate. Com-

missioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their offices; but no person so appointed either for a regular term, or to fill a vacancy, shall enter upon or continue in office after the Senate shall have refused to confirm his appointment or adjourned sine die without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. The Legislature shall fix the salary of the commissioners. The Legislature shall have the power by a two-thirds vote of all the members elected to each house to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any common carrier subject to the laws of this State, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall be appointed to or hold such office. No more than two of said commissioners shall belong to the same political party. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of the majority of said commissioners shall be the act of said commission. The commission and each of its members shall have such powers and perform such duties as are now or may hereafter be provided for by law.

Second—Section twenty-three of article twelve of said Constitution is hereby repealed.

Committee substitute for Senate constitutional amendment read.

The question being upon the adoption of the committee substitute for Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Campbell moved a call of the Senate.

Motion carried.

Time, twelve o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

The Secretary announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Campbell.

The roll of absentees was called.

Whereupon the President announced that Committee Substitute for Senate Constitutional Amendment No. 4 was refused adoption by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Holohan, McCartney, Miller, Roseberry, Rush, Strobridge, Thompson, Walker, and Wright—18.

NOES—Senators Anthony, Bills, Estudillo, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Sanford, Savage, Weed, Welch, Willis, and Wolfe—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Senate Constitutional Amendment No. 4 was this day refused adoption.

EXPLANATION OF VOTE.

Senator Estudillo asked for, and was granted, unanimous permission to explain his vote on Committee Substitute for Senate Constitutional Amendment No. 4, as follows:

MR. PRESIDENT: As an explanation of my vote on Committee Substitute for Senate Constitutional Amendment No. 4, I wish to say that I am in favor of electing all officers by direct vote of the people.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Senator E. I. Wolfe, President pro tem, of the Senate, in the chair.

UNFINISHED BUSINESS—(RESUMED).

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 623?"

In Section 1, line 13, of printed bill, after the word "animals", insert the following: "or for the prevention of cruelty to children".

Also:

In Section 1, line 17, of printed bill, after the word "animals", insert the following: "or children".

Also:

In Section 1, line 18, of printed bill, after the word "animals", insert the following: "or children".

Also:

Strike out of Section 1, line 8, of printed bill, the word "such".

Also:

In Section 1, line 9, of printed bill, after the word "existing", insert the following: "incorporated or organized for the prevention of cruelty to animals or to children".

And:

In Section 1, line 12, of printed bill, after the word "every", insert the following: "such".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 623 by the following vote:

AYES.—Senators Bell, Bills, Birdsall, Black, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—27.
NOES—None.

Senate Bill No. 623 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 625?"

Strike out the words "To amend Sections 4, 14, and 19 of", in the first line of the title, and insert in lieu thereof "to repeal".

Also:

Strike out all in the title from the word "and", in line 10, of the title, down to and including the figures "141½", in line 14, of the title, both inclusive, and insert in lieu thereof "and all Acts supplemental thereto and amendatory thereof".

And:

Strike out all after the word and figure "Section 1", line 1, of Section 1, page 1, of the printed bill, and insert in lieu thereof as follows: "An Act entitled 'An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all Acts amendatory thereof, and supplementary thereto are hereby repealed.

SEC. 2. This Act shall take effect immediately.

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 625 by the following vote:

AYES—None.

NOES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Savage, Strobridge, Walker, Weed, Willis, and Wolfe—26.

Senate Bill No. 625 ordered transmitted to the Assembly.

Also:

Senate Bill No. 473—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

On motion of Senator Thompson, Senate Bill No. 473 was temporarily passed on file, to retain its place.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 538?"

Strike out the period after the word "therefor", in the title of the printed bill, and insert after said word the following: "and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvement of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.'"

And:

On page 2, Sec. 5, lines 3, 4, and 5, strike out the words: "and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended", and insert in lieu thereof the following: "provided, however, that not less than one fourth of the revenues raised hereunder, during each of the first ten fiscal years after this Act takes effect, shall be placed in a fund to be known and designated as the permanent building fund, and which said fund must be devoted solely to the purposes of building, furnishing and equipping permanent buildings and providing permanent improvements for the University. The Board of Regents must include in its biennial report to the Governor the statement of the manner and for what purpose all of the moneys referred to and raised under this Act were expended."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 538 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 538 ordered to enrollment.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill by Senator Leavitt—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-

eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully recommend that the Constitution be complied with and the Senator permitted to introduce the bill.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Leavitt be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Finn, Hariman, Holohan, Hurd, Leavitt, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Leavitt: Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Bill No. 1251.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER.)

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Assembly Bill No. 1351—An Act providing for the formation of Yolo Basin Drainage District, and providing for its management—have had the same under consideration, and respectfully report the same back, without recommendation.

LEWIS, Chairman.

Assembly Bill No. 1351 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Drainage, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass.

LEWIS, Chairman.

Senate Bill No. 1249 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 33—An Act to establish the school of trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition, and purchase of a site or sites in the said city and county of San Francisco for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said school of trades, and making an appropriation therefor.

Also: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others.

Also: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the major house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No. 344—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office and fixing their salaries.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpœna.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization and management of municipal water districts.

Also: Senate Bill No. 1060—An Act to provide for the disincorporation and continuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered forty-two hundred and eighty-one a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Also: Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five a, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 1143—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure of the State of California, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in bonds issued for public improvements.

Also: Senate Bill No. 1243—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Also: Senate Bill No. 1245—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions and reports of the Supreme and Appellate Courts.

Also: Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators and guardians to make leases of the real estate of decedents.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 33, 56, 102, 132, 342, 344, 349, 378, 593, 590, 651, 668, 709, 710, 756, 917, 924, 968, 970, 979, 982, 998, 1060, 1065, 1107, 1140, 1141, 1142, 1143, 1179, 1207, 1228, 1243, 1245, and 1246 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied passage to Senate Bill No. 1220—An Act relating to prosecutions under Sections 628b, 632, and 632½ of the Penal Code, and to define prima facie evidence thereunder.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 198?"

In line 19-24 strike out the word "four", and insert in its stead the word "three".

Also: In line 27, strike out the period, and insert in its stead a semicolon and add the following: "provided, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and one deputy, who shall be jailer, whose salary is hereby fixed at the sum of one thousand dollars per annum, said deputies to be appointed by the sheriff, and their salaries shall be paid by the county in equal monthly installments as other salaries are paid."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 198 by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Curtin, Estudillo, Finn, Hartman, Holohan, Hurl, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—28.

NOES—Senator Welch—1.

Senate Bill No. 198 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 36—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses.

Also: Assembly Bill No. 135—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.

Also: Assembly Bill No. 571—An Act to amend section six hundred and thirty-two of the Penal Code, relating to the closed season for certain fish.

Also: Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Also: Assembly Bill No. 675—An Act providing for investigation of plant diseases and pests, and making an appropriation therefor.

Also: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Also: Committee Substitute for Assembly Bill No. 745—An Act to amend Section 14 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 910—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act approved March 26, 1895.

Also: Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Also: Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis, to create a fund therefor, and to prescribe the duties of the State Board of Health and other public officials with relation thereto.

Also: Assembly Bill No. 1264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Assembly Bill No. 1339—An Act providing for submitting to the electors the question of calling a convention to revise the Constitution of the State of California.

Also: Assembly Bill No. 1393—An Act to amend Section 540 of the Code of Civil Procedure of the State of California, relating to whom the writ must be directed and what it shall contain.

Also: Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 1412—An Act to amend section eight hundred and sixty of the Code of Civil Procedure, relating to demurrer or answer to amended pleadings in the Justice Courts.

Also: Assembly Bill No. 1421—An Act appropriating three hundred and fifty dollars to be expended in purchase of a piano for the Whittier State School.

Also: Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Bryan Elevator Company against the State of California.

Also: Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebeling Construction Company against the State of California.

Also: Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California.

Also: Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Also: Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Also: Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California.

Also: Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 36, 38, 135, 571, 628, 675, 743, 910, 975, 1054, 1264, 1339, 1393, 1404, 1412, 1421, 1433, 1434, 1435, 1436, 1437, 1438, 1439, and Committee Substitute for Assembly Bill No. 745 read first time.

Assembly Bill No. 36 ordered referred to Committee on Municipal Corporations.

Assembly Bills Nos. 38, 628, 675, 975, 1421, 1433, 1434, 1435, 1436, 1437, 1438, and 1439 ordered referred to Committee on Finance.

Assembly Bills Nos. 135, 1274, 1393, and 1412 ordered referred to Committee on Judiciary.

Assembly Bill No. 571 ordered referred to Committee on Fish and Game.

Assembly Bills Nos. 910 and 1054 ordered referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1339 ordered referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 1404, 743, and Committee Substitute for Assembly Bill No. 745 ordered referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as case of urgency, Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes.

CLIO LLOYD, Chief Clerk of the Assembly.
By NELSON FRENCH, Assistant Clerk.

Assembly Bill No. 1447 read first time, and ordered referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day have appointed the following Committee on Conference, to meet a like committee from your body, to consider Senate amendments to Assembly Bill No. 167: Mr. Perine, Mr. Butler, and Mr. Melrose.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the State Printer be, and he is hereby, directed to print 10,000 copies of Senate Bill No. 18, and to bind 2,000 copies of the same, and when said copies are printed and bound the Secretary of the Senate is instructed to mail or express to each Senator thirty bound copies and fifty printed copies, and the Controller is directed to draw his warrant in favor of the Secretary of Senate in the sum of \$900 to pay said postage and expressage on same, and be properly indexed.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Also:

By Senator McCartney:

Resolved, That the sum of one hundred (\$100.00) dollars be appropriated out of the contingent fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for express charges and postage of the two extra copies of the laws and statutes in chapter form, as per resolution by Senator Price of March 8, 1909, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WEED, Chairman.

Assembly Bill No. 1029 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 679—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities, by changing the provisions of certain sections, by adding new sections, and by renumbering certain sections—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BLACK, Chairman.

Assembly Bill No. 670 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, by amending Sections 1, 6, and 16—have had the same under consideration, and respectfully report the same back, without recommendation.

ROSEBERRY, Chairman.

Assembly Bill No. 1331 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for tests or experiments in the interest of science, and providing for their recommendation in such matter and the reprimand of such person—have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass.

ROSEBERRY, Chairman.

Assembly Bill No. 936 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILIO, Chairman.

Assembly Bill No. 1126 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgage of thing insured—have had the same under consideration, and respectfully report the same back, as per Rule 31.

WILLIS, Chairman.

Assembly Bill No. 916 ordered on file.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3, the same was taken up for consideration.

SPECIAL ORDER — (POSTPONED).

Senator Wolfe moved that the further consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3 be postponed, and made a special order for this day at nine o'clock P. M.

Motion carried.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code, by increasing the purposes for which school bonds may be voted."

On motion of Senator Thompson, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years to visit any race, racetrack, racecourse, prize fight, cock fight, or place where any race, prize fight, or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Burnett, Caminetti, Campbell, Cullen, Hurd, Kennedy, Leavitt, Lewis, McCartney, Roseberry, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—Senator Reilly—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 727—An Act to amend Section 1636 of the Political Code of the State of California, relating to taking the school census, by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 727 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Caminetti, Campbell, Cullen, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Roseberry, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county,

city and town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

On motion of Senator Leavitt, Assembly Bill No. 574 was temporarily passed on file, to retain its place.

Committee Substitute for Assembly Bill No. 233—Proposed amendments to municipal library law.

On motion of Senator Wolfe, Assembly Bill No. 233 was temporarily passed on file, to retain its place.

Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

On motion of Senator Wolfe, Assembly Bill No. 301 was temporarily passed on file, to retain its place.

Assembly Bill No. 315—An Act to repeal an Act entitled "An Act to incorporate the town of Coloma," approved April 21, 1858.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 315 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Caminetti, Campbell, Curtin, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reily, Roseberry, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Read third time.

On motion of Senator Wright, Assembly Bill No. 1164 was temporarily passed on file, to retain its place.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

On motion of Senator Cutten, Assembly Bill No. 436 was temporarily passed on file, to retain its place.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

On motion of Senator Cutten, Assembly Bill No. 437 was temporarily passed on file, to retain its place.

Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 112a, 114b, and 114c, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

On motion of Senator Cutten, Assembly Bill No. 438 was temporarily passed on file, to retain its place.

Assembly Bill No. 203—An Act to amend Section 1491 of the Code of Civil Procedure of the State of California, relating to notice to creditors of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 203 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Caminetti, Campbell, Curtin, Hare, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known as Section 5542a, relating to attachments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 205 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 661—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1104—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1789a, relating to conveyances by guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1104 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal by the defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Burnett, Campbell, Cartwright, Curtin, Cutten, Hurd, Kennedy, Lewis, Miller, Reily, Roseberry, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26—An Act to amend Sections 3, 4, 5, 6, 7, 11, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 26 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Caminetti, Campoli, Curtin, Cutten, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 191—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

On motion of Senator Welch, Assembly Bill No. 191 was withdrawn from the file, and ordered re-referred to Committee on Labor, Capital, and Immigration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that a new section to be added to the Constitution of the State of California, to be numbered Section 25 of article one thereof, to read as follows:

Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken.

Assembly constitutional amendment read.

The question being upon the adoption of the Assembly constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, two o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutton, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifty minutes P. M., Senator Burnett was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifty-four minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll of absentees was called.

Whereupon the President announced that Assembly Constitutional Amendment No. 14 was adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutton, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—Senators Campbell and Weed—2.

Assembly Constitutional Amendment No. 14 ordered transmitted to the Assembly.

Assembly Bill No. 1048—An Act to amend Section 1619 of the Code of Civil Procedure, relating to fees of attorneys of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1048 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Estudillo, Finn, Hartman, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Prof. P. B. Smith; Misses Lila Sims, Mildred Clegg, Elsie Brinck, Mamie Nash.

Gertrude Cutten, Emma Johnson, Myrtle Stark, Hazel Fletcher, Lillian Johnson, and Messrs. Henry Rogers, John Brady, and Ray McFall, of Winters High School.

Also:

On request of Senator Burnett, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. W. W. Sanderson of San Francisco.

Also:

On request of Senator Caminetti, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Judge W. F. Deal of San Francisco.

Also:

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Wm. F. Ireland of Los Angeles.

Also:

On request of Senator Leavitt, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Chas. E. Snook.

Also:

On request of Senator Anthony, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Geo. B. Benham of San Francisco.

And:

On request of Senator Birdsall, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Messrs. J. B. Landis, Esq., and L. L. Chamberlin of Auburn, Cal.

REPORTS OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 226—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

Also: Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts, organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Also: Senate Bill No. 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California.

Also: Senate Bill No. 853—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532a, relating to spurious secret societies.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches.

And report that the same have been correctly enrolled, and presented the same to the Governor on this seventeenth day of March, nineteen hundred and nine, at two o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

REPORT OF STANDING COMMITTEE (OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 1040—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office.

Also: Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Also: Assembly Bill No. 1181—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.

Also: Assembly Bill No. 1185—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Also: Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Also: Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

BATES, Chairman.

Senate Bill No. 1040 ordered on file for second reading.

Assembly Bills Nos. 915, 1181, 1185, 1186, and 1187 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1232—An Act to amend Section 60 of the Civil Code.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Bill No. 1232 read first time, and referred to Committee on Public Morals.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1075—An Act to amend Section 1321 of the Political Code, relating to the compensation of presidential electors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1075 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Finn, Hare, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 654—An Act to amend Section 870 of the Penal Code, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 654 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hurd, Kennedy, Lewis, Miller, Price, Roseberry, Sanford, Savage, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204—An Act to amend Sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Lewis, Price, Reilly, Roseberry, Sanford, Savage, Thompson, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177—An Act to amend Section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Lewis, McCartney, Miller, Price, Reilly, Roseberry, Sanford, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1105—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810a, relating to conveyances by guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1105 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Weed, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 104—An Act to repeal three sections of the Code of Civil Procedure, numbered 953*a*, 953*b*, and 953*c*, respectively, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

On motion of Senator Miller, Assembly Bill No. 1002 was temporarily passed on file, to retain its place.

Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1031 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Hare, Hurd, Kennedy, Lewis, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1220 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Lewis, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 141—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 141 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231—An Act to amend Chapter II, Title IV, of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter, to be numbered one thousand one hundred and eighty-three and one half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 231 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Campbell, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191a, relating to liens upon real estate, where reputed owner, after notice from health officer or governing board of any city, town, or sanitary district, refuses, neglects, or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1099 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hurd, Kennedy, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1403--An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1403 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Caminetti, Campbell, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code, relative to lien of depositary for hire on property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Curtin, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Savage, Thompson, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and twenty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code, relative to carrier's lien on property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 580 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Rush, Savage, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1867, and providing for the redemption of said coupons.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birlsall, Boynton, Caminetti, Campbell, Hare, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Savage, Thompson, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 803—An Act authorizing the payment of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 803 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birlsall, Boynton, Burnett, Campbell, Curtin, Hurd, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1144 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hurd, Leavitt, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Hartman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on application to purchase the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1145 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Roseberry, Sanford, Strohbridge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874a, all relating to text-books.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 724 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Strobebridge, Thompson, Walker, Weed, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Hare as a special committee of one to amend, as follows:

By striking out of Section 1, line 4, the words "not less than".
Also:
Strike out on lines 4 and 5, same section, the words "nor more than ten".
Also:
Strike out on line 5, same section, the words "of study".
Also:
Strike out on line 6, same section, the words "not less than".
And:
Strike out on line 7, same section, the words "the day elementary", and insert in lieu thereof the word "such".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 688, with instructions to amend, respectfully reports the same back, amended as per instructions.

HARE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Assembly Bill No. 688.

Assembly Bill No. 630—An Act entitled "An Act to amend Section 1564 of Article IV of the Political Code, by increasing the allowance of money for conducting separate teachers' institutes."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Campbell, Curtin, Cutten, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobebridge, Thompson, Walker, Weed, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 735—An Act to amend Section 1575a of the Political Code of the State of California, relating to clerks of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 735 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Caminetti, Campbell, Curtin, Cutton, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Wood, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1102—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1102 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutton, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Wood, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1431—An Act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and to create boards of library trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1431 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutton, Finn, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Wood, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, and 1427 of the Political Code, all relating to Regents of the University of California.

Read third time.

On motion of Senator Wolfe, Committee Substitute for Assembly Bills Nos. 64, 65, and 66 was temporarily passed on file, to retain its place.

Assembly Bill No. 919—An Act to create a reclamation district, to be called "American River Reclamation District No. 1," and providing for the control and management thereof.

On motion of Senator Bills, Assembly Bill No. 919 was temporarily passed on file, to retain its place.

Assembly Bill No. 961—An Act to amend Section 8 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 finally passed by the following vote :

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Cutten, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 781—An Act to authorize the local boards of managers of the several State hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said State hospitals and homes for the feeble-minded, and to provide for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Martinelli, McCartney, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven, of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 622 was temporarily passed on file, to retain its place.

Assembly Bill No. 137—An Act to amend sections two, three, and four of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 137 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli,

McCartney, Miller, Price, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Sections 10 and 11 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 84 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Campbell, Cartwright, Curtin, Escondido, Kennedy, Leavitt, Lewis, Martipelli, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1284—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1284 finally passed by the following vote:

AYES—Senators Anthony, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutton, Leavitt, Lewis, McCartney, Miller, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Hare, Committee Substitute for Senate Bill No. 920 was temporarily passed on file, to retain its place.

Assembly Bill No. 639—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and state inspector of plumbing, and defining their duties, and providing for the licensing of plumbers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Burnett, Cartwright, Curtin, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Sanford, Savage, Strobbridge, Walker, Welch, Wolfe, and Wright—23.

NOES—Senators Boynton, Campbell, Hurd, Price, Thompson, and Weed—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 5—An Act to repeal an Act entitled “An Act to create a drainage district, to be called Sacramento Drainage District; to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district,” approved March 20, 1905.

On motion of Senator Bills, Assembly Bill No. 5 was temporarily passed on file, to retain its place.

Assembly Bill No. 179—An Act to provide for the appointment of a bakeshop inspector and four deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bakeshops and bakeries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 179 finally passed by the following vote:

AYES—Senators Anthony, Bills, Burnett, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Welch, Wolfe, and Wright—26.

NOES—Senators Cartwright, Cutten, Strobridge, and Weed—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 106 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Hurd, Kennedy, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1234 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Burnett, Campbell, Curtin, Cutten, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Reily, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF APPROPRIATION BILLS—(OUT OF ORDER).

On motion of Senator Boynton, the Special File of Appropriation Bills was taken up.

Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 114 finally passed by the following vote:

AYES—Senators Anthony, Bills, Boynton, Caminetti, Campbell, Curtin, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall, and equipping gymnasium at the Preston School of Industry.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 116 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Reily, Roseberry, Sanford, Savage, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars (\$5,000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1203 passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Hare, Hurd, Kennedy, Leavitt, Lewis, Reily, Roseberry, Rush, Sanford, Thompson, Walker, Weed, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 241—An Act providing for an assistant gardener for Sutter's Fort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 963—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory, at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 963 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Burnett, Campbell, Cartwright, Cullen, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 964—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 964 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Burnett, Caminette, Campbell, Cartwright, Curtin, Cullen, Finn, Hurd, Kennedy, Leavitt, Lewis, Martonelli, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS—OUT OF ORDER.

On motion of Senator Boynton, the Special File of County Government Bills was taken up.

Senate Bill No. 1084—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Senate Bill No. 1084 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 1198—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

On motion of Senator Boynton, Senate Bill No. 1198 was ordered withdrawn from the file, and ordered re-referred to Committee on County Government.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

Read third time.

On motion of Senator Wright, Assembly Bill No. 1083 was temporarily passed on file, to retain its place.

Assembly Bill No. 1092—An Act to amend Article XXX, Section 4259, of an Act entitled "An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in

place thereof, relating to the establishment of a uniform system of county and township government.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1092 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Campbell, Cartwright, Cutten, Estudillo, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

On motion of Senator Boynton, Assembly Bill No. 1025 was temporarily passed on file, to retain its place.

Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 571—An Act to prevent the taking of fish by means of weirs, dams, nets, traps, or seines in certain tide water on the coast of Mendocino County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Assembly Bill No. 571 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Also: Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Also: Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Also: Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the same do pass.

WALKER, Chairman.

Assembly Bills Nos. 743, 745, 1339, and 1404 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Cullen asked for, and was granted, unanimous consent to have Senate Bill No. 1108 taken up for consideration out of order.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1108 passed by the following vote:

AYES—Senators Anthony, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright 25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Burnett asked for, and was granted, unanimous consent to have Assembly Bill No. 1252 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

Strike out of printed bill, Section 1, line 21, the words "or other public"; also, strike out of line 22 the word "public"; also, strike out the word "public", in line 23, and insert in lieu thereof the word "municipal".

Also:

Strike out of Section 1, line 25, all after the word "corporation" down to and including the word "section", in line 25c.

Also:

Strike out of Section 2, printed bill, line 10, the words "or other public"; also, strike out the word "public", in line 13, and insert in lieu thereof the word "municipal".

And:

Strike out all after the word "corporation", in Section 2, line 14, down to but not including the period in line 17.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1252, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

CONSIDERATION OF BILL—COURT OF ORDER.

Senator Miller asked for, and was granted, unanimous consent to have Assembly Bill No. 317 taken up for consideration out of order.

Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 317 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cartwright, Curtin, Cutton, Estrudillo, Finn, Hays, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article thirteen thereof, relating to the State and county boards of equalization and their powers and duties.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 186—An Act to provide one additional judge of the Superior Court of the county of Alameda.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 181—An Act to pay the claim of A. G. Laferty, and making an appropriation therefor.

Also: Assembly Bill No. 221—An Act to amend section nine hundred and twenty-five of the Penal Code of the State of California.

Also: Assembly Bill No. 222—An Act to amend section nine hundred and eighty-eight (988) of the Penal Code of the State of California.

Also: Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code of the State of California.

Also: Assembly Bill No. 610—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park, in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.

Also: Assembly Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Assembly Bill No. 1440—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bills Nos. 181, 221, 222, 223, 610, 838, and 1440 read first time.

Assembly Bills Nos. 181, 610, 838, and 1440 ordered referred to Committee on Finance.

Assembly Bills Nos. 221, 222, and 223 ordered referred to Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 17, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that since my message of March 1, 1909, I have made the following appointments, and request your concurrence therein and consent thereto:

March 17, 1909, Philip S. Teller, of San Francisco, a member of the Board of State Harbor Commissioners, vice Henry J. Crocker, term expired.

March 17, 1909, John Leale, of San Francisco, Port Warden of the harbor of San Francisco, vice R. E. Nickel, term expired.

March 17, 1909, Philip Morse, of San Diego, a trustee of the State Normal School at San Diego, vice J. W. Stearns, deceased.

Respectfully,

J. N. GILLETT,
Governor of the State of California.

Message read, and referred to Committee on Executive Communications.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CALL OF THE SENATE.

Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eight o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Bills, Caminetti, Campbell, Curtin, Cutten, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wolfe—23.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and ten minutes P. M., Senator Walker moved that further proceedings under the call of the Senate be dispensed with.

The motion was duly seconded.

Motion lost.

At eight o'clock and fifteen minutes P. M., Senators Martinelli and Burnett were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

At eight o'clock and twenty minutes P. M., Senator Walker moved that further proceedings under the call of the Senate be dispensed with.

Motion duly seconded.

The question being on the motion to dispense with further proceedings under the call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Caminetti, Campbell, Curtin, Cutten, Miller, Roseberry, Rush, Sanford, Thompson, and Walker—11.

NOES—Senators Bates, Bills, Burnett, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Savage, Weed, Wolfe, and Wright—15.

At eight o'clock and twenty-five minutes P. M., Senators Wright and Boynton were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

At eight o'clock and twenty-seven minutes P. M., Senator Curtin, moved that further proceedings under the call of the Senate be dispensed with.

The motion was duly seconded.

The question being on the motion to dispense with further proceedings under the call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Campbell, Curtin, Cutten, Miller, Roseberry, Sanford, Thompson, and Walker—11.

NOES—Senators Bates, Bills, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Wolfe, and Wright—16.

At eight o'clock and forty minutes P. M., Senator Estudillo was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At eight o'clock and forty-five minutes P. M., Senator Strobbridge was brought to the bar of the Senate, and, on motion of Senator Leavitt, he was excused for absence from the Senate Chamber.

At nine o'clock P. M., Senator Welch was brought to the bar of the Senate, and, on motion of Senator Wolfe, he was excused for absence from the Senate Chamber.

At nine o'clock and fifteen minutes P. M., Senator Willis was brought to the bar of the Senate, and, on motion of Senator Leavitt, he was excused for absence from the Senate Chamber..

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and forty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Wolfe moved that the further consideration of motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3 be made a special order for Thursday, March 18, 1909, at nine o'clock P. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hartman moved that the vote whereby Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary—was refused passage, be now reconsidered.

Motion was duly seconded.

SPECIAL ORDER.

Senator Hartman moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 749 was refused passage be made a special order for Thursday, March 18, 1909.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Kennedy:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, payable out of the contingent fund of the Senate, in the sum of \$100, for stamps, postage, and expressage.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Also: Assembly Bill No. 1421—An Act appropriating three hundred and fifty dollars, to be expended in purchase of a piano for the Whittier State School.

Also: Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Also: Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code. Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Senate Bill No. 1251 ordered on file for second reading.

Assembly Bills Nos. 1446, 1421, 628, and 1265 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection, and Mexican war soldiers, sailors, and marines, and the families of those deceased or indigent, and to defray funeral expenses—have had the same under consideration, and respectfully report the same back, with the recommendation that it be re-referred to the Committee on County Government.

LEAVITT, Chairman.

Assembly Bill No. 38 ordered re-referred to Committee on County Government.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman.

Assembly Bill No. 1407 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

LEAVITT, Chairman

Assembly Bill No. 154 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 221—An Act to amend section nine hundred and twenty-five of the Penal Code of the State of California.

Also: Assembly Bill No. 222—An Act to amend section nine hundred and eighty-eight (988) of the Penal Code of the State of California.

Also: Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code of the State of California.

Also Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Also: Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Also: Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Landtzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Also: Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of Justices' or Police Courts.

Also: Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight a, relating to the undertaking on appeal from judgments of Justices' or Police Courts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 221, 222, 223, 1360, 281, 1369, 1354, 1285, and 1286 ordered on file for second reading.

QUESTION OF PERSONAL PRIVILEGE.

Senator Burnett arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: At the time Assembly Bill No. 317—An Act to promote the safety of employees and travelers on railroads by compelling common carriers, by railroads, to properly man their trains—commonly known as the "full-crew" bill, was voted on, and passed on third reading, I was absent from the Senate Chamber, attending to certain of my bills in the Assembly Chamber, and did not expect that the vote upon this bill would take place so soon, and hereby state that if I had been present to cast my vote, I would have voted "Aye" in favor of the bill.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 18, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Senator Leavitt, of the Sixteenth District, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinnelli, McCartney, Miller, Price, Reily, Roseberry, Rush Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 17, 1909, the further reading was dispensed with, on motion of Senator Price.

APPROVAL OF THE JOURNALS.

The Journals of Thursday, March 4, and Friday, March 5, 1909, having been corrected, were read and approved.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. L. T. Hatfield of Sacramento.

Also:

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Mason.

Also:

On request of Senator Sanford, the privilege of the floor of the Senate Chamber for this day, was unanimously extended to Mr. M. J. Boggs and Jesse Poundstone.

Also:

On request of Senator McCartney, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. N. Blackstock.

Also:

On request of Senator Hartman, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. H. S. Northrup of New York.

Also:

On request of Senator Weed, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to B. F. Lynip and Mr. W. G. Needham.

Also:

On request of Senator Estudillo, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. Wm. F. Ireland of Los Angeles.

Also:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. James L. Crittenden.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 1417 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Conference on Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia—Assemblymen Melrose, Butler, and Perine, to meet with a like committee appointed by your honorable body.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly amendments to Senate Bill No. 64—An Act to amend Section 626½ of the Penal Code, relating to the protection of deer.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 64 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 312—An Act against slot machines and other gambling devices.

Also: Assembly Bill No. 1224—An Act to amend Section 4300a of the Political Code.

Also: Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries and fixing a minimum amount to be paid.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 312, 1224, and 1364 read first time.

Assembly Bill No. 312 ordered referred to Committee on Public Morals.

Assembly Bill No. 1224 ordered referred to Committee on Judiciary.

Assembly Bill No. 1364 ordered referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 20—An Act providing for the purchasing of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Also: Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions of partition.

Also: Assembly Bill No. 589—An Act to revise the law relating to the sentence and commitment of persons convicted of crime, and providing for a system of reform, and to repeal all Acts and parts of Acts in conflict therewith.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Also: Assembly Bill No. 1040—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and the maintenance of said school.

Also: Committee Substitute for Assembly Bill No. 1097—An Act to prevent the sowing, propagation, dissemination, cultivation, or maintenance of certain grasses, plants, or weeds within the State of California, and repealing all Acts and parts of Acts inconsistent with or repugnant to the provisions hereof.

Also: Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office.

Also: Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code as to what constitutes insolvency of an insurance company.

Also: Assembly Bill No. 1190—An Act to amend Section 608 of the Political Code as to transfers from State to Federal Court.

Also: Assembly Bill No. 1225—An Act to amend section one hundred and seventy-seven of the Code of Civil Procedure of the State of California, relating to the power of judicial officers and courts of record.

Also: Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

Also: Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Also: Assembly Bill No. 1337—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Also: Assembly Bill No. 1338—An Act entitled "An Act to add a new section to the Civil Code, to be known and numbered as Section 1423, relating to appropriations of water by irrigation districts and other municipal corporations."

Also: Assembly Bill No. 1395—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to writ of attachment; the officers to whom the writ may be addressed; the substance of, and the undertaking upon, attachment.

Also: Assembly Bill No. 1426—An Act providing for the disposition of civil or criminal actions or proceedings in which bills of exceptions or statements on motion for new trial have been lost or destroyed by conflagration, or other public calamity.

Also: Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Also: Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 20, 282, 589, 840, 1040, 1178, 1184, 1190, 1225, 1233, 1243, 1337, 1338, 1395, 1426, 1432, 944, and Committee Substitute for Assembly Bill No. 1097 read first time.

Assembly Bills Nos. 20 and 1040 ordered referred to Committee on Finance.

Assembly Bills Nos. 282, 840, 1190, 1225, 1337, 1395, 1426, and Committee Substitute for Assembly Bill No. 1097 ordered referred to Committee on Judiciary.

Assembly Bill No. 589 ordered referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 1178 and 1184 ordered referred to Committee on Corporations.

Assembly Bills Nos. 1233 and 944 ordered on file without reference to committee.

Assembly Bill No. 1243 ordered referred to Committee on County Government.

Assembly Bill No. 1338 ordered referred to Committee on Irrigation.

Assembly Bill No. 1432 ordered referred to Committee on Municipal Corporations.

LEAVES OF ABSENCE.

Senator Holohan was, on motion of Senator Campbell, granted leave of absence until eight o'clock P. M. of this day.

Senator Black was, on motion of Senator Walker, granted leave of absence until eight o'clock P. M. of this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Committee Substitute for Senate Bill No. 1148—An Act to provide for the formation, government, and control of overflow districts—and report that the same has been correctly engrossed.

BELL, Acting Chairman.

Committee Substitute for Assembly Bill No. 1148 ordered on file for third reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended.

RUSH, Chairman.

Assembly Bill No. 703 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, 16a, 16d, 16e, 16c, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31, and to be renumbered the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MARTINELLI, Chairman.

Assembly Bill No. 1023 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto; and making an appropriation for the purposes of this Act—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

ROSEBERRY, Chairman.

Assembly Bill No. 1054 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON CONFERENCE.

To the Honorable Senate and Assembly of the State of California:

Your Committee on Conference on Assembly Bill No. 167 respectfully report: We recommend that the Senate be requested to recede from its amendment to said bill.

H. M. HURD,
E. B. MARTINELLI,
EDWARD I. BUTLER,
RICHARD MELROSE,
GEORGE M. PERINE,
A majority of said committee.

The above report of Committee on Conference ordered on file as unfinished business.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for, and was granted, unanimous consent to have Senate Bill No. 1250 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

During second reading of bill, the following amendment was offered by Senator Price:

Amend by striking out of Section 1, line 1, the figures "\$1500.00", and inserting in lieu thereof the following: "\$2500.00".

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Wright, the second reading of Senate bills was taken up.

Senate Bill No. 1175—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, after the word "refuse", insert the word "wet".

Amendment adopted.

And:

Add a new section to bill as follows:

SEC. 2. This Act shall take effect on and after September 1, 1909.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 856—An Act to amend Section 4136 of the Political Code of the State of California, relating to conveyances of real estate and indexing thereof.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 862—An Act to amend Section 1386 of the Civil Code of the State of California, relating to succession to the property of deceased persons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 864—An Act to amend Section 1171 of the Penal Code of California, relating to bills of exception in criminal cases.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 865—An Act to amend Section 397*b* of the Penal Code of the State of California, relating to the sale of intoxicating liquors to minors.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section".

Amendment adopted.

And:

On page 1, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 870—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

During second reading of bill, the following amendment was submitted by committee:

Add a new section to the printed bill to read as follows:

SEC. 2. This Act shall take effect and be in force on and after January 1, 1910.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 871—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitution, or articles of incorporation, by corporations for purposes other than profit.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 887—An Act to prevent the use of paranzella or drag-net in the waters of this State.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 484—An Act to add a new section to the Penal Code, to be numbered two hundred and sixty-six *h*, relating to male persons who live with, or live off of, or accept the earnings of prostitutes, or any female, not the wife of such male person, and providing a punishment therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of the bill by adding after the word "Code", in the first line thereof, the words "of California".

Amendment adopted.

Also:

On page 1, Section 1, line 2, after the word "Code", add the words "of California".

Amendment adopted.

Also:

On page 1, Section 2, strike out the words "Sec. 2", and insert in lieu thereof the figures "266".

Amendment adopted.

Also:

On page 1, Section 2, line 2, after the word "accepts", insert the words "for support".

Amendment adopted.

Also:

On page 1, Section 1, lines 4 and 5, strike out the words "or any dissolute female not the wife of such male person shall be", and insert in lieu thereof the word "is".

Amendment adopted.

And:

On page 1 strike out Sections 3 and 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1248—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 872—An Act to amend section forty-three hundred *a* of the Political Code of the State of California, relating to county clerk's fees.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 873—An Act to repeal section thirty-four ninety-two of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 879—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 880—An Act to amend Section 507 of the Penal Code of California, relating to the embezzlement of personal property.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 881—An Act to amend Section 971 of the Penal Code of California, relating to criminal procedure.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1121—An Act to amend Section 1468 of the Code of Civil Procedure of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1123—An Act to add a new section to the Code of Civil Procedure of California, to be numbered seven hundred and fifty *a*, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1124—An Act to add a new section to the Civil Code of the State of California, to be known as section one hundred and forty-nine, relating to appeals in divorce proceedings.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1125—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1129—An Act to repeal sections thirty-three hundred and seventy-six, thirty-three hundred and seventy-seven, thirty-three

hundred and seventy-eight, thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two, thirty-three hundred and eighty-three, thirty-three hundred and eighty-four, thirty-three hundred and eighty-five, thirty-three hundred and eighty-six, and thirty-three hundred and eighty-seven of the Political Code of the State of California.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 874—An Act to amend sections thirty-four and forty-six of the Political Code of the State of California, relating to the formation of reclamation districts.

During second reading of bill, the following amendment was submitted by committee:

Amend the title of the bill by adding after the word "thirty-four" the word "hundred".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1126—An Act to amend section thirty-seven hundred and ninety-three of the Political Code of the State of California, relating to the fee for seizure or sale of personal property for delinquent taxes.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of Sections 2 and 3.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by adding after the word "Code", in line 1 thereof, the words "of the State of California".

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the word "Code", insert the words "of the State".

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the word "and", after the word "thirty-six", and insert in lieu thereof the word "but".

Amendment adopted.

And:

On page 1, Section 1, line 13, after the word "been", insert the following: "assessed to unknown owners and under said assessment has been".

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 578—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of

commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for a secretary and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing for a course of procedure where any person, firm, association, corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of the trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disasters; providing for succession in the office of the commissioners, and repealing all Acts or parts of Acts in conflict herewith.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 483—An Act to add a new section to the Penal Code of the State of California, to be known as No. 345, defining the duties and liabilities of junk dealers.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1040—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Bill read second time, ordered engrossed, and on file for third reading.

Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, ordered engrossed, and on file for third reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER).

On motion of Senator Wright, the second reading file of Assembly bills was taken up.

Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419b.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisalment of estates and pay of appraisers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports and decisions of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 14, strike out the words "water sheds".

Amendment adopted.

And:

On page 2, Section 1, line 54, strike out the period after the word "lines", and add the following: "and pipe lines for conducting the waters of any lake which are not fit for irrigation or domestic purposes, and which contain soda, or other minerals or chemical substances in solution and also pumps and machinery for raising the same to, and forcing the same through such pipes."

Amendment refused adoption.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles national monument, in the counties of San Benito and Monterey, in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines, in False Bay, or in the entrance thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1351—An Act providing for the formation of Yolo Basin Drainage District, and providing for its management.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 413½, relating to sparring exhibitions and prize fights.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests, or experiments in the interest of science, and providing for their recommendation in such matter and the relieving of such persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1126—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1181—An Act to repeal Section 600a of the Political Code, and to reenact same as section 603a of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1185—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 571—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries: when and from whom they may ask advice, and who may be present at the sessions of grand juries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1285—An Act to amend sections nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of Justices' or Police Courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of Justices' or Police Courts.

Bill read second time, and ordered on file for third reading.

SPECIAL FILE OF APPROPRIATION BILLS—SECOND READING OF BILLS.

On motion of Senator Wright, the second-reading file of appropriation bills was taken up.

Assembly Bill No. 1421—An Act appropriating three hundred and sixty dollars to be expended in purchase of a piano for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 628—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 1, by striking out the word "five", and inserting in lieu thereof the word "three".

Amendment adopted.

Also:

Amend Section 1, by striking out all after the word "California", on line 4, and inserting in lieu thereof a period.

Amendment adopted.

Also:

Amend Section 2, line 2, by striking out the word "five", and inserting in lieu thereof the word "three".

Amendment adopted.

And:

Amend title by striking out all after the word "California", and inserting in lieu thereof a period.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, of the printed bill, strike out the word "of", after the word "building", and insert in lieu thereof the word "for".

Amendment adopted.

Also:

On page 1, Section 1, line 6, of the printed bill, after the word "association", insert the following: "on property owned by the State of California and".

Amendment adopted.

Also:

On page 1, Section 1, line 12, of the printed bill, after the word "purposes", insert the following: "Of the moneys hereby appropriated, the sum of fifty thousand dollars shall be available on and after July 1, 1909; the sum of fifty thousand dollars shall be available on and after January 1, 1910; the sum of seventy-five thousand dollars shall be available on and after July 1, 1910, and the sum of seventy-five thousand dollars shall be available on and after January 1, 1911."

Amendment adopted.

Also:

On pages 1 and 2, Section 2, lines 3 and 4, of the printed bill, strike out the words "at such times as may be approved by the State Board of Examiners", and insert in lieu thereof the following: "as provided in Section 1 hereof."

Amendment adopted.

And:

On page 2, of the printed bill, strike out all of Section 3, and insert in lieu thereof the following:

SEC. 3. This Act shall be exempt from the provisions of section six hundred seventy-two of the Political Code of California.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hurd asked for, and was granted, unanimous consent to have Assembly Bill No. 1331 taken up for consideration out of order.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 1417 ordered on file for second reading.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS—THIRD READING OF BILLS.

On motion of Senator Wright, the third-reading file of county government bills was taken up.

Senate Bill No. 1084—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.

Senate Bill No. 1084 temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 1083—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers of the thirty-sixth and one-half class.

On motion of Senator Wright, Assembly Bill No. 1083 was ordered withdrawn from the file, and ordered re-referred to Committee on County Government.

Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1356 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Reily, Savage, Strobbridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1025—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1025 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1429—An Act to amend section four thousand two hundred and seventy-one of the Political Code, relating to the compensation of officers in counties of the forty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1429 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL FILE OF APPROPRIATION BILLS—THIRD READING OF BILLS.

On motion of Senator Wright, the third-reading file of appropriation bills was taken up.

Assembly Bill No. 128—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 128 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Sanford, Strobridge, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 131 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hurd, Leavitt, Lewis, McCartney, Price, Reilly, Savage, Strobridge, Thompson, Walker, and Weed—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS.

On motion of Senator Wright, the third-reading file of Assembly bills was taken up.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

Read third time.

On motion of Senator Wright, Assembly Bill No. 629 was temporarily passed on file, to retain its place.

Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, now submitted.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1125 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hurd, Leavitt, Lewis, McCartney, Price, Reilly, Rush, Sanford, Savage, Strobridge, Thompson, Walker, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city and town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

On motion of Senator Wright, Senate Bill No. 574 was temporarily passed on file, to retain its place.

Assembly Bill No. 233—Proposed amendments to municipal library law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 233 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Estudillo, Hurd, Leavitt, Lewis, McCartney, Price, Rush, Savage, Strobbridge, Thompson, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301—An Act to provide for work upon and the construction of sidewalks within municipalities.

Read third time.

On motion of Senator Wright, Assembly Bill No. 301 was temporarily passed on file, to retain its place.

Assembly Bill No. 1164—An Act to amend an Act approved March 6, 1889, entitled "An Act to provide for laying out, opening, widening, extending, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1164 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Hurd, Kennedy, Leavitt, McCartney, Reily, Roseberry, Rush, Savage, Thompson, Walker, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Read third time.

On motion of Senator Cutten, Assembly Bill No. 436 was temporarily passed on file, to retain its place.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

On motion of Senator Cullen, Assembly Bill No. 437 was temporarily passed on file, to retain its place.

Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 112*a*, 114*b*, and 114*c*, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

On motion of Senator Cullen, Assembly Bill No. 438 was temporarily passed on file, to retain its place.

Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code, by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 688 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Cullen, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Rush, Savage, Thompson, Walker, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, and 1427 of the Political Code, all relating to Regents of the University of California.

On motion of Senator Bates, Committee Substitute for Assembly Bills Nos. 64, 65, and 66 was temporarily passed on file, to retain its place.

Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No. 1, and providing for the control and management thereof.

On motion of Senator Bills, Assembly Bill No. 919 was temporarily passed on file, to retain its place.

Assembly Bill No. 622—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, relating to the sale and disposition of lands deeded to the State for delinquent taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 refused final passage by the following vote:

AYES—Senator Wright—1.

NOES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cullen, Hartman, Hurd, Kennedy, Leavitt, Lewis, Miller, Roseberry, Sanford, Savage, Thompson, Walker, and Weed—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Thompson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 622 was this day refused final passage.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Wright, Committee Substitute for Assembly Bill No. 920 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX, of said Constitution, by adding new sections, to be numbered 14, 15, and 16, respectively, relating to the schools, their government, and their taxation.

On motion of Senator Thompson, Assembly Constitutional Amendment No. 16 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of superintendents of schools.

On motion of Senator Thompson, Assembly Constitutional Amendment No. 17 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Relative to polygamy

WHEREAS, It appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved by the Assembly, the Senate concurring. That application be and hereby is made to Congress, under the provision of article five of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved. That the Legislature of all other states of the United States now in session or when next convened, be, and they hereby are, respectfully requested to join this application by the adoption of this or an equivalent resolution.

Resolved further. That the Secretary of State be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cullen, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wright—25.

NOES—None.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION NO. 1.

Authorizing and requesting the Governor to appoint a commission to cooperate with the Federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento River, and the reclamation of adjacent overflowed lands, for irrigation, and the conservation of water.

Resolved on the Senate and Assembly of the State of California, United: That the Governor of the State be, and he is hereby, requested and authorized to appoint a commission of three or more persons to act in conjunction with any similar commission or commissions that may be appointed by the President of the United States, or by Congress, or other branch thereof, or by any Federal agency, for the purpose of framing a law and devising a plan for the improvement of the navigation of the Sacramento River, the reclamation of swamp and overflowed lands on the Sacramento Valley, the irrigation of arid lands therein, and the conservation of water, with a view of securing the expense among the Federal Government, the State of California, and the land owners, and wherein such work may be concentrated under one management.

Resolved: That upon the passage of this resolution the Clerk of the Assembly be directed to forward a copy thereof to the President of the United States, and to our Senators and Representatives in Congress, asking them to provide for the appointment of a similar commission to act with the committee, to be appointed under this resolution by the Governor.

Assembly joint resolution read.

The question being on the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Fink, Harl, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reidy, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, and Wright—26.

NOES—None.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

Assembly Bill No. 1280—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1280 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Fink, Harl, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Rush, Sanford, Savage, Thompson, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining, and mineral claims.

Read third time.

On motion of Senator Miller, Assembly Bill No. 1093 was temporarily passed on file, to retain its place.

Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Read third time.

On motion of Senator Rush, Assembly Bill No. 99 was temporarily passed on file, to retain its place.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing Committee on Text-books.

Read third time.

On motion of Senator Thompson, Assembly Bill No. 250 was temporarily passed on file, to retain its place.

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

On motion of Senator McCartney, Committee Substitute for Assembly Bill No. 320 was temporarily passed on file, to retain its place.

Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Miller as a special committee of one to amend, as follows:

By striking out of Section 1, line 12, the comma and the word "or" after the word "vote".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1259, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1259.

Assembly Bill No. 594—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 finally passed by the following vote:

AYES—Senators Bates, Birdsall, Boydell, Burnett, Campbell, Curtin, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, and Wright—21.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1414—An Act to amend an Act entitled "An Act to amend an Act to allow incorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, amended March 6, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1414 finally passed by the following vote:

AYES—Senators Bates, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Roseberry, Sanford, Savage, Thompson, Walker, Weed, and Wright—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Campbell as a special committee of one to amend, as follows:

By striking out of Section 1, page 11, all after word "instruction".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 673, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMPBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Assembly Bill No. 613.

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts, now in force, relating to estrays," approved March 23, 1901.

Read third time.

On motion of Senator Lewis, Assembly Bill No. 1316 was temporarily passed on file, to retain its place.

Assembly Bill No. 1405—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1405 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Savage, Thompson, and Walker—23.

NOES—Senator Bills—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 826—An Act to amend Section 198 of the Code of Civil Procedure, relating to jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 refused final passage by the following vote:

AYES—Senators Bell, Birdsall, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Thompson, and Weed—16.

NOES—Senators Bills, Boynton, Burnett, Caminetti, Kennedy, Savage, and Walker—7.

SENATOR EXCUSED FROM VOTING.

Senator Hartman asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 826.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An Act to amend Section 1380, Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, Miller, Reily, Roseberry, Sanford, Savage, Thompson, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1024—An Act to amend Section 3 of an Act entitled "An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1024 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Boynton, Caminetti, Campbell, Curtin, Cutten, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Thompson, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 695 was temporarily passed on file, to retain its place.

Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 642 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Leavitt, Martinelli, McCartney, Reilly, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 563—An Act to amend Section 1793 of the Code of Civil Procedure of the State of California, relating to guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reilly, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 705—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 705 finally passed by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, and Willis—25

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act.

Read third time.

On motion of Senator Lewis, Committee Substitute for Assembly Bill No. 1136 was temporarily passed on file, to retain its place.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and bay of San Pedro," approved March 19, 1889.

On motion of Senator Wright, Assembly Bill No. 428 was temporarily passed on file, to retain its place.

Assembly Bill No. 1353—An Act to amend an Act which became effective February 26, 1901, entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as 'The Local Improvement Act of 1901,' " by adding thereto a new section, to be numbered 20a.

Read third time.

On motion of Senator Boynton, Assembly Bill No. 1353 was temporarily passed on file, to retain its place.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," as amended by an Act approved March 19, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 1448 read first time, and referred to Committee on Municipal Corporations.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Savage, Assembly Bill No. 1353 was ordered withdrawn from the file, and ordered re-referred to Committee on Municipal Corporations.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to have Assembly Bill No. 1357 taken up for consideration out of order.

Assembly Bill No. 1357—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees, and compensation of officers of counties of the twenty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1357 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Boynton asked for, and was granted, unanimous consent to have Assembly Bill No. 1355 taken up for consideration out of order.

Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1355 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Hurd asked for, and was granted, unanimous consent to have Assembly Bill No. 423 taken up for consideration out of order.

Assembly Bill No. 423—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Walker, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES— OUT OF ORDER.

The following reports of standing committees were received and read

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions of partition—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 282 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of

Engineers, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WRIGHT, Chairman.

Assembly Bill No. 1441 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred: *Resolved*, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$264.73, in payment of the bills hereto attached, and the State Treasurer is directed to pay the same.

H. S. Crocker Company.....	\$32 90
Kane and Trainor Ice Company.....	28 00
John Brenner Company.....	22 20
Whiskey Hill Water Company.....	42 00
F. R. Pulford.....	2 10
Scott, Lyman & Stack.....	15 00
Wells, Fargo & Company.....	48 03
Pacific Telegraph and Telephone Company.....	64 50
M. Fraler.....	10 00
	<hr/>
	\$264 73

Also:

Resolved, That the sum of one hundred (\$100.00) dollars be appropriated out of the contingent fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for express charges and postage of the two extra copies of the laws and statutes in chapter form, as per resolution by Senator Price of March 8, 1909, and the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, and the State Treasurer is directed to pay the same.

Also:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, payable out of the contingent fund of the Senate, in the sum of \$100, for stamps, postage, and expressage.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

KENNEDY, Acting Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Cartwright, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, and Wright—25.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Price:

Resolved, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$50.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wright, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907, have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 1448 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

BATES, Chairman.

Assembly Bill No. 1178 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bill No. 1184 ordered on file for second reading.

COMMUNICATION.

Senator Walker asked for, and was granted, unanimous consent to read the following communication and have it printed in the Journal:

PALO ALTO, CAL., March 18, 1909.

Senator GEORGE WALKER, Senate, Sacramento, Cal.

Senator Black seriously ill, and physically unable to go to Sacramento.

H. B. REYNOLDS, M. D.

SPECIAL ORDER POSTPONED.

Senator Leavitt moved that the consideration of motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3, heretofore set for nine o'clock P. M. this day, be postponed, and made a special order for Friday, March 19, 1909, at two o'clock P. M.

The motion was duly seconded by Senator Walker.

Motion carried.

MOTION.

Senator Leavitt moved that the Sergeant-at-Arms be directed to go at once to Palo Alto, ascertain Senator Black's physical condition, and, if it is such that Senator Black is able to travel, to bring him to the Senate.

Motion carried.

LEAVES OF ABSENCE.

Senator Boynton was, on his own motion, granted leave of absence until eleven o'clock A. M. of Friday, March 19, 1909.

Senator Burnett was, on his own motion, granted leave of absence for this day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hurd:

Resolved, That Assembly Bill No. 1448, Senate Bill No. 1250, and Assembly Bill No. 1233, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cullen, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Reily, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, and Wright—27.
NOES—None.

CASES OF URGENCY.

Assembly Bill No. 1448—An Act to amend Section 5 of an Act which became a law February 25, 1901, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an Act approved March 19, 1907.

Read first time previously this day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1448 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cullen, Finn, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Savage, Stetson, Strobbridge, Thompson, Walker, and Weed—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1250 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsell, Boynton, Burnett, Campbell, Cullen, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, and Weed—26
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Assembly Bill No. 1233 An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants.

Read first time previously this day.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 5, of title, strike out the period, and insert in lieu thereof the following: "and fixing the compensation of grand and trial jurors therein."

Amendment adopted.

And:

On page 3, Section 1, line 47, strike out the word "not".

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Cullen, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1233.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
 SACRAMENTO, March 17, 1909

To the Senate of the State of California:

I have the honor to inform your honorable body that since my message of March 1, 1909, I have made the following appointments, and request your concurrence therein and consent thereto:

March 17, 1909, Philip S. Teller, of San Francisco, a member of the Board of State Harbor Commissioners, vice Henry J. Crocker, term expired.

March 17, 1909, John Leale of San Francisco, Port Warden of the harbor of San Francisco, vice R. E. Nickel, term expired.

March 17, 1909, Philip Morse, of San Diego, a trustee of the State Normal School at San Diego, vice J. W. Stearns, deceased.

Respectfully,

J. N. GILLET.

Governor of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate advise and consent to said appointments.

HURD, Chairman.

The President put the question, "Will the Senate advise and consent to the appointment of Philip S. Teller, of San Francisco, a member of

the Board of State Harbor Commissioners, vice Henry J. Crocker, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cotten, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Welch—24.

NOES—None.

Whereupon the President announced that the appointment of Philip S. Teller, of San Francisco, a member of the Board of State Harbor Commissioners, vice Henry J. Crocker, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John Leale, of San Francisco, Port Warden of the harbor of San Francisco, vice R. E. Nickel, term expired?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bills, Birdsall, Caminetti, Campbell, Cotten, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Welch—25.

NOES—None.

Whereupon the President announced that the appointment of John Leale, of San Francisco, Port Warden of the harbor of San Francisco, vice R. E. Nickel, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Philip Morse, of San Diego, a trustee of the State Normal School at San Diego, vice J. W. Stearns, deceased?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cotten, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Welch—26.

NOES—None.

Whereupon the President announced that the appointment of Philip Morse, of San Diego, a trustee of the State Normal School at San Diego, vice J. W. Stearns, deceased, had been duly confirmed.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Welch asked for, and was granted, unanimous consent to have Assembly Bill No. 1446 taken up for consideration out of order.

Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Bill read second time, and ordered on file for third reading.

MEMBERS' SPECIAL URGENCY FILE—(OUT OF ORDER).

On motion of Senator Leavitt, the Members' Special Urgency File was taken up.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Senate Bill No. 1229 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 748—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or

between two or more fire insurance companies transacting business in this State, or between officers, agents, or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Read third time.

The question being on the passage of the bill.

The roll was called.

MOTION.

Pending the announcement of the vote, Senator Hartman moved a call of the Senate.

Motion lost.

Whereupon the President announced that Senate Bill No. 784 was refused passage by the following vote:

AYES—Senators Caminetti, Cutton, Finn, Hare, Hartman, Hurd, Leavitt, McCartney, Reilly, Sanford, and Weed—11.

NOES—Senators Anthony, Bates, Bell, Birdsall, Campbell, Lewis, Martineau, Price, Rush, Stetson, Strobridge, Thompson, Walker, Welch, and Wright—16.

Senate Bill No. 1202—An Act to amend Section 622 of the Political Code, relating to taxes on insurance premiums.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1202 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Caminetti, Campbell, Cutton, Finn, Hare, Hurd, Leavitt, Lewis, Martineau, McCartney, Miller, Price, Reilly, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1027—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact business in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1027 refused passage by the following vote:

AYES—Senators Anthony, Bates, Caminetti, Campbell, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reilly, Sanford, Savage, Thompson, Weed, and Wright—18.

NOES—Senators Bell, Bills, Birdsall, Cutton, Finn, Hare, Stetson, Strobridge, and Walker—9.

Assembly Bill No. 1032—An Act to add a new section to the Political Code, to be numbered 446.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1032 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Finn, Hare, Hurd, Kennedy, Lewis, McCartney, Price, Reily, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator McCartney asked for, and was granted, unanimous consent, to withdraw Senate Bill No. 1076—An Act providing for separation of certain territory from cities of the fourth, fifth, and sixth classes.

Senate Bill No. 1076 withdrawn, and ordered stricken from the file.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

On motion of Senator Finn, Senate Bill No. 560 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

MEMBERS' SPECIAL URGENCY FILE—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION NO. 8.

Relative to appointment of a committee of five by the Governor to investigate the feasibility of dividing the State into fish and game districts.

Be it resolved by the Assembly of the State of California, the Senate concurring. That a committee of five persons be appointed by the Governor for the purpose of investigating into the feasibility of dividing the State of California into fish and game districts, as contemplated by the constitutional amendment adopted in 1902, and to gather such information as will enable said committee to make a full and comprehensive report thereon to the thirty-ninth session of the Legislature.

That said committee be, and it is hereby, empowered to administer oaths and issue subpoenas requiring persons residing in this State to appear and testify before said committee.

Said committee shall have, and is hereby given, power and authority to incur all necessary expense to perform the duties herein specified, and make its report to the Governor and the next Legislature, and to make in such report such recommendation and prepare such laws as will carry out the purpose of this resolution.

That the expenses to be incurred under the authority of this resolution shall not exceed in the aggregate, the sum of \$5,000.00, and such amount shall be payable out of the game preservation fund. The State Controller shall draw his warrants upon such funds upon the presentation of claims audited by the committee and filed by the chairman thereof, and the State Treasurer shall pay the same.

Assembly concurrent resolution read.

The question being upon the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Caminetti, Campbell, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, and Wright—23.

NOES—None.

Assembly Concurrent Resolution No. 8 ordered transmitted to the Assembly.

Assembly Bill No. 596—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of cold storage and ice plant; for the purchase and installation in the said building of a cold storage and ice plant; for repairs to the present kitchen at said home, and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 596 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Finn, Hare, Hurd, Kennedy, Leavitt, McCartney, Price, Reily, Sanford, Savage, Strobridge, Thompson, Walker, Weed, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district, to be called Sacramento Drainage District; to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

On motion of Senator Bills, Assembly Bill No. 5 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered Section 15a, Section 15b, and Section 15c, respectively, all relating to commitments to or paroles and discharges from said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 566 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cuten, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Savage asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 448, 553, and 73.

Senate Bill No. 448—An Act to amend an Act of the Legislature of the State of California entitled "An Act to amend Section 1 of an Act entitled 'An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom,'" approved March 20, 1889; approved March 21, 1905.

Senate Bill No. 553—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.

Senate Bill No. 73—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public works," approved March 9, 1897.

Senate Bills Nos. 448, 553, and 73 withdrawn, and ordered stricken from the file.

Also:

Senator Wright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 563—An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Senate Bill No. 563 withdrawn, and ordered stricken from the file.

Also:

Senator Campbell asked for, and was granted, unanimous consent to withdraw Senate Bill No. 223—An Act authorizing certain suits against the State, and regulating the procedure therein.

Senate Bill No. 223 withdrawn, and ordered stricken from the file.

Also:

Senator Bates asked for, and was granted, unanimous consent to withdraw Senate Bill No. 744—An Act to amend section twenty-five hundred and forty-one of the Civil Code of California, relating to assignment to mortgagee of thing insured.

Senate Bill No. 744 withdrawn, and ordered stricken from the file.

Also:

Senator Wright asked for, and was granted, unanimous consent to withdraw Senate Bill No. 295—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Senate Bill No. 295 withdrawn, and ordered stricken from the file.

Also:

Senator Sanford asked for, and was granted, unanimous consent to withdraw Senate Bill No. 501—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Senate Bill No. 501 withdrawn, and ordered stricken from the file.

Also:

Senator Caminetti asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1216—An Act conferring certain powers on the State Board of Railroad Commissioners, and making an appropriation to carry the same into effect.

Senate Bill No. 1216 withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Bills, Assembly Bill No. 301 was ordered withdrawn from the file, and ordered re-referred to Committee on Municipal Corporations.

MEMBERS' SPECIAL URGENCY FILE — (RESUMED).

Assembly Bill No. 1002—An Act to amend Section 650 of the Code of Civil Procedure, relating to bills of exceptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1002 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cutten, Finn, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1334—An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1334 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cutten, Hartman, Hurd, Leavitt, Lewis, McCartney, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1198 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cutten, Finn, Hare, Kennedy, Leavitt, Lewis, McCartney, Reily, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Stetson asked for, and was granted, unanimous consent to introduce a Senate joint resolution out of order.

By Senator Stetson: Senate Joint Resolution No. 22—Relative to a proposed federal collateral inheritance tax.

Senate joint resolution referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Stetson, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 22.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1238—An Act to prohibit the wanton, wasteful, and unnecessary cutting and destruction of trees and chaparral growing upon private uncultivated lands in this State, situated upon the mountains and catchment basins from which cities, towns, and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands, and making an appropriation to provide for the expenses in connection therewith.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 1238 read first time, and ordered referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 939—An Act for the regulation of the practice of medicine, surgery, and obstetrics, osteopathy, and other systems or modes of treating sick or afflicted human beings in the State of California, fixing the standard of preliminary education of students before entering upon the study of medicine, surgery or obstetrics, osteopathy or other modes of treating sick and afflicted human beings, the mode of the examination of matriculants and by whom, the number of hours required in the attendance at colleges, schools or universities before receiving a diploma, standard of colleges, schools and universities teaching the same, and for the appointment of a board of medical examiners in the matter of said regulation.

CLIO LLOYD, Chief Clerk of the Assembly.
By LEO PREISKER, Assistant Clerk.

Assembly Bill No. 939 read first time, and ordered referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 1449 read first time, and ordered referred to Committee on Finance.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Senator Wright, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, March 19, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 18, 1909, the further reading was dispensed with, on motion of Senator Wolfe.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Willis, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. R. H. Countryman of San Francisco.

Also:

On request of Senator Campbell, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. J. L. Crittenden.

And:

On request of Senator Sanford, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Hon. Francis J. Heney.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1258—An Act to provide for the formation, government, and control of union irrigation and reclamation districts.

Also: Adopted on March 18, 1909, Senate Joint Resolution No. 20—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Assembly Bill No. 1258 read first time, and ordered referred to Committee on Irrigation.

Senate Joint Resolution No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 741—An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration.

Also: Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 741?"

On page 3, Section 6, line 4, of the printed bill, strike out all after the word "fund", and insert in lieu thereof a period.

Also:

On page 3, Section 6, of the printed bill, strike out all of lines 5 to 10, inclusive.

Also:

On page 1, lines 2 and 3, of the title of the printed bill, strike out the following: "and the fishing for and catching with hook and line of protected fish".

Also:

On page 1, Section 1, line 1, of the printed bill, strike out the following: "Except as provided in Section 10 thereof,".

Also:

On page 1, Section 1, lines 4 and 5, of the printed bill, strike out the following: "or fishes for or catches with hook and line any of the protected fish of this State,".

Also:

On page 1, Section 2, lines 2 and 3, of the printed bill, strike out the following: "and to fish for or catch fish with hook and line any of the protected fish of this State", and insert in lieu thereof a comma.

Also:

On page 2, Section 2, line 8, of the printed bill, strike out the words "and fishing".

Also:

On page 3, Section 5, lines 4 and 5, of the printed bill, strike out the following: "and to fish for and catch fish with hook and line, during the open season fixed therefor by law,".

Also:

On page 3, Section 8, lines 2 and 3, of the printed bill, strike out the following: "or killing game or while fishing for or catching fish".

Also:

On page 3, Section 8, line 8, of the printed bill, strike out the words "and fishing".

Also:

On page 3, of the printed bill, strike out all of Section 10.

Also:

On page 4, of the printed bill, after the word "Sec." strike out the figures "11", and insert in lieu thereof the figures "10".

And:

On page 4, of the printed bill, after the word "Sec." strike out the figures "12", and insert in lieu thereof the figures "11".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 741 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Finn, Holohan, Hurd, Kennedy, Leavitt, Martinelli, Miller, Price, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 741 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1100?"

On page 1, Section 1, line 1, strike out the word "two", and insert in lieu thereof the word "three".

And:

On page 1, Section 1, line 6, strike out the word "two", and insert in lieu thereof the word "three".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1100 by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Finn, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 1100 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1250 ordered to enrollment.

WITHDRAWAL OF BILLS.

Senator Leavitt asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 1040, 1034, 1037, 1033, 1032, and 1031.

Senate Bill No. 1040—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Senate Bill No. 1034—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of any insurance company.

Senate Bill No. 1037—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.

Senate Bill No. 1033—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Senate Bill No. 1032—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Senate Bill No. 1031—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Senate Bills Nos. 1040, 1034, 1037, 1033, 1032, and 1031 withdrawn, and ordered stricken from the file.

Also:

Senator Bates asked for, and was granted, unanimous consent to withdraw Senate Bill No. 745—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Senate Bill No. 745 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to have Assembly Bill No. 919 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No. 1, and providing for the control and management thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Walker as a special committee of one to amend, as follows:

By striking out commencing with the word "with", in line 12, of page 1, and ending with the word "city", in line 17, of page 2, and in lieu thereof insert: "with the north line of North B street, of the city of Sacramento; thence in a general northwesterly direction and westerly direction along the north line of North B street of said city until it strikes the levee of the city of Sacramento running diagonally from Twelfth and B streets to B street north of said city".

Also:

By adding before the word "along", in line 17, of page 2, the following: "the north base of".

Also:

By adding after the word "slough", in line 20, page 2, the following "with the right to join its levees with the face of said last described levee;".

And:

By striking out Sec. 3, and in lieu thereof insert:

SEC. 3. The said district shall be subject to the Act of the Legislature known as the Sacramento Drainage Act, approved March 20, 1905 (Statutes of 1905, page 443), and any amendments heretofore or hereinafter adopted.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 919, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Bills, the Secretary was directed to issue a rush order for printing Assembly Bill No. 919.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred a bill to amend Section 3458 of the Political Code of the State of California, have had the same under consideration, and respectfully report the same back, and recommend that the provisions of the Constitution be complied with, asking that Senator Miller be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Miller be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Burnett, Caninetti, Campbell, Cartwright, Curtin, Finn, Holohan, Hurd, Kennedy, Leavitt, Martinelli, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Miller: Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Miller, the Secretary was directed to issue a rush order for printing Senate Bill No. 1252.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 17—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Also: Senate Bill No. 38—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Also: Senate Bill No. 95—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 283—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 284—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.

Also: Senate Bill No. 347—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Committee Substitute for Senate Bill No. 359—An Act to authorize certain improvements upon the buildings, grounds, and streets adjacent to the grounds of the California Institution for the Deaf and Blind at Berkeley, and making an appropriation therefor.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Also: Senate Bill No. 516—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

Also: Senate Bill No. 539—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 548—An Act to amend Section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

Also: Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 588—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Also: Senate Bill No. 638—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Also: Senate Bill No. 691—An Act authorizing the State Treasurer to purchase a bond filing case, and making an appropriation therefor.

Also: Senate Bill No. 721—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 757—An Act appropriating money for metal shelving, record cases, fixtures, and other accessories for the use of the Clerk of the Supreme Court.

Also: Committee Substitute "A" for Senate Bill No. 772—An Act providing for the construction of additional houses for the use of officers, guards, and employees at the State prison at Folsom, and to make an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No. 772—An Act providing for the repairing of the buildings at the State prison at Folsom, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 774—An Act providing for the construction and furnishing of a residence at the State prison at Folsom for the Warden, and making an appropriation therefor.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said commissioner and the salaries, duties and qualifications of his appointees.

Also: Senate Bill No. 808—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and his assistants.

Also: Senate Bill No. 831—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

Also: Senate Bill No. 837—An Act to add a new section to the Penal Code of California, to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

Also: Committee Substitute "A" for Senate Bill No. 882—An Act providing for the repairing of the buildings at the State prison at San Quentin, and making an appropriation therefor.

Also: Committee Substitute "B" for Senate Bill No. 882—An Act providing for construction of cottages for the use of guards and employees at the State prison at San Quentin, and to make an appropriation therefor.

Also: Senate Bill No. 896—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

Also: Senate Bill No. 910—An Act to provide for the completion of the cottage at Mendocino State Hospital now in process of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

Also: Senate Bill No. 912—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.

Also: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Senate Bill No. 957—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 959—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Also: Senate Bill No. 967—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 993—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sprinkling plant and appurtenances thereon.

Also: Senate Bill No. 1003—An Act appropriating forty-four dollars, to pay the claim of W. S. Kingsbury.

Also: Senate Bill No. 1017—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Aetna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 1018—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one hundredths dollars, to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No. 1019—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars, to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 1020—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars, to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 1021—An Act to appropriate the sum of two hundred twenty-one and eighty-five one-hundredths dollars, to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 1022—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars, to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1023—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars, to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1024—An Act to appropriate the sum of nine hundred and three and seventy-two one-hundredths dollars, to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also: Senate Bill No. 1025—An Act to appropriate the sum of eleven and thirty one-hundredths dollars, to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 1026—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars, to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 1055—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make appropriation therefor.

Also: Senate Bill No. 1087—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Also: Senate Bill No. 330—An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure, to be numbered 1580, providing for a procedure for the sale of property belonging to an estate.

Also: Senate Bill No. 185—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No. 886—An Act to amend sections one, three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907.

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section, to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also: Senate Bill No. 747—An Act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts, and calling for an election therefor, and the canvassing of the votes cast at said election.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 809—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.

Also: Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.

Also: Senate Bill No. 12—An Act to authorize the establishment of the California State Trades and Training School, for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Also: Senate Bill No. 471—An Act to amend section sixteen hundred and seventeen of the Political Code of the State of California, relating to the general powers of boards of trustees and of education.

Also: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 838—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.

Also: Senate Bill No. 990—An Act fixing a bounty on coyote scalps.

And report that the same have been correctly enrolled, and presented the same to the Governor on this eighteenth day of March, nineteen hundred and nine, at three o'clock and thirty minutes P. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Committee Substitute for Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to article eleven thereof a new section, to be known as section number twelve and one half, relating to county support for indigent and suffering veteran soldiers, sailors, and marines of the Mexican, Indian, Civil, or Spanish wars, or Philippine insurrection, together with their indigent families, and providing a county tax of not more than one fifth of a mill therefor.

Also: Senate Bill No. 856—An Act to amend section forty-one hundred and thirty-six of the Political Code of the State of California, relating to conveyance of real estate and indexing thereof.

Also: Senate Bill No. 864—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Also: Senate Bill No. 871—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations, by corporations for purposes other than profit.

Also: Senate Bill No. 887—An Act to prevent the use of paranzella or drag-net in the waters of this State.

Also: Senate Bill No. 1248—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 872—An Act to amend section forty-three hundred *a* of the Political Code of the State of California, relating to county clerk's fees.

Also: Senate Bill No. 873—An Act to repeal section thirty-four ninety-two of the Political Code of the State of California.

Also: Senate Bill No. 879—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Also: Senate Bill No. 880—An Act to amend section five hundred and seven of the Penal Code of California, relating to the embezzlement of personal property.

Also: Senate Bill No. 881—An Act to amend section nine hundred and seventy-one of the Penal Code of California, relating to criminal procedure.

Also: Senate Bill No. 1121—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Also: Senate Bill No. 1123—An Act to add a new section to the Code of Civil Procedure of California, to be numbered seven hundred and fifty *a*, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.

Also: Senate Bill No. 1124—An Act to add a new section to the Civil Code of the State of California, to be known as section one hundred and forty-nine, relating to appeals in divorce proceedings.

Also: Senate Bill No. 1125—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Also: Senate Bill No. 1129—An Act to repeal sections thirty-three hundred and seventy-six, thirty-three hundred and seventy-seven, thirty-three hundred and seventy-eight, thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two, thirty-three hundred and eighty-three, thirty-three hundred and eighty-four, thirty-three hundred and eighty-five, thirty-three hundred and eighty-six, and thirty-three hundred and eighty-seven of the Political Code of the State of California.

Also: Senate Bill No. 578—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners

in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for a secretary, and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing for a course of procedure where any person, firm, association, corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of the trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disasters; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 483—An Act to add a new section to the Penal Code of the State of California, to be known as No. 345, defining the duties and liabilities of junk dealers.

Also: Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof.

Also: Senate Bill No. 1040—An Act to amend Section 605 of the Political Code as to filing fees in the Insurance Commissioner's office.

Also: Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Committee Substitute for Senate Constitutional Amendment No. 48 previously ordered re-referred to Committee on Military Affairs.

Senate Bills Nos. 856, 864, 871, 887, 1248, 872, 873, 879, 880, 881, 1121, 1123, 1124, 1125, 1129, 578, 483, 1249, 1040, and 1251 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof.

Also: Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 838 and 1449 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bill No. 1449 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Campbell, Curtin, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1449—An Act making an appropriation for the pay of the officers and clerks of the Assembly for the thirty-eighth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1449 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Cartwright, Hare, Holo-han, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Rose-berly, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Wood, Welch, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.—(RESUMED).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Also: Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.

Have had the same under consideration, and respectfully report back committee substitute therefor, and recommend that such committee substitute be adopted.

THOMPSON, Acting Chairman.

Senate Bills Nos. 1213 and 1214 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 38—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors and marines, and the families of those deceased or indigent, and to defray funeral expenses—have had the same under consideration, and respectfully report the same back, with the recommendation that it be re-referred to the Committee on Judiciary.

THOMPSON, Chairman.

Assembly Bill No. 38 ordered referred to Committee on Judiciary.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Caminetti asked for, and was granted, unanimous consent to have Senate Bills Nos. 1213 and 1214 taken up for consideration out of order, for the purpose of amendment.

Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder: to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1213.

An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder: to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds: to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder: to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, is hereby amended to read as follows:

Section 25. All taxes levied and collected under this Act shall be disposed of as follows:

First—Up to the amount of two hundred and fifty thousand dollars annually first collected under this Act each year, shall be paid into the treasury of the State, for the uses of the state school fund, and all taxes levied and collected annually in excess of two hundred and fifty thousand dollars shall be paid into the treasury of the State for the following uses:

Twenty-five thousand dollars thereof annually to the credit, and for the uses of the state grammar high school fund, and the balance thereof annually to the credit and for the uses of the general fund of the State.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Senate Bill No. 1213.

Also:

Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1214.

An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section, to be known as Section 10a, is hereby added to an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, to read as follows:

Section 10a. All taxes levied and collected under the provisions of this Act up to the amount of twenty-five thousand dollars annually shall be paid into the treasury of the State for the use of the state college high school fund, and all taxes levied and collected thereunder in excess of twenty-five thousand dollars annually shall be paid into the State treasury to the credit of the general fund thereof.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Senate Bill No. 1214.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

THOMPSON, Chairman.

Assembly Bill No. 1243 ordered on file for second reading.

OF MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," (approved March 13, 1883), by adding thereto thirty-four new sections numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 1432 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 945—An Act to amend an Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein,

and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act, approved March 31, 1897, amendment approved March 15, 1901, by adding thereto and providing therein for a new district to be known as Agricultural District No. 46, composed of the county of Imperial—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 945 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Also: Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to notice of trial and service of notice thereof in the Justices' Court.

Also: Assembly Bill No. 918—An Act to amend an Act to provide for the appointment of guardians of children maintained in any orphan's home or orphan asylum in this State, approved March 23, 1893.

Also: Assembly Bill No. 1037—An Act to amend section two hundred and thirteen of the Penal Code of the State of California, and to add a new section thereto, to be numbered two hundred and twelve, relating to the crime of robbery and its punishment.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIS, Chairman.

Assembly Bills Nos. 918, 1037, 1402, and 1409 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages, and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson of Sacramento, Drew, and Johnston of Contra Costa, and we report that the Conference Committee was unable to agree, and we recommend that a Committee on Free Conference be appointed.

WILLIS, Chairman.

Report read and adopted.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he had appointed Senators Willis, McCartney, and Miller on a Committee on Free Conference on Assembly Bill No. 31, to meet with a like committee from the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Savage:

Resolved, That Assembly Bill No. 1402 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, and Wolfe—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1402—An Act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday, and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1402 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Reily, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Burnett asked for, and was granted, unanimous consent to have Assembly Bill No. 1252 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Burnett moved to refer to Senator Roseberry as a special committee of one to amend, as follows:

Strike out of Section 1, of the printed bill, all of subdivision 4, after the word "municipal", in line 21, and insert in lieu thereof the following: "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation; *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use;".

And:

Strike out of Section 2 of printed bill all of subdivision 3 after the word "municipal", in line 10, and insert in lieu thereof the following: "or other public corporation for the purpose of supplying water to such corporation or the inhabitants thereof, and such use by any municipal or public corporation shall be held to be a more necessary use than by a person, firm or private corporation; *provided further*, that one municipality shall not deprive another municipality of water already in use, nor shall an irrigation district deprive another locality of water already in use."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 19, 1909

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1252, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROSEBERRY, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Burnett, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1252

Also:

Senator Leavitt asked for, and was granted, unanimous consent to have Senate Bill No. 1251 taken up for consideration out of order.

Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1251 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Curtin, Cutton, Finn, Hare, Hartman, Helchan, Hurd, Kennedy, Leavitt, Lewis, McCarnes, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Wench, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly

STATEMENT.

Senator Wolfe asked for, and was granted, permission to make the following statement and have it printed in the Journal:

MR. PRESIDENT: I regret that I was unavoidably absent from the Senate Chamber yesterday at the time the Senate voted on the confirmation of the appointees of the Governor. Had I been present I would have voted "Aye" with pleasure on the question of the confirmation of the appointment of Mr. Philip S. Toller, and the others included with him in the Governor's message of March 17, 1909.

REPORTS OF STANDING COMMITTEES—RESUMED.

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Agriculture and Dairying to whom was referred Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 1225 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Thompson:

Resolved, That Senate Bill No. 1225 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1225 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

Resolved, That Assembly Bill No. 1417 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Wolfe, and Wright—32.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1417—An Act to legalize bonds to be issued and sold by municipalities where the authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1417 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Lewis, McCarney, Price, Roseberry, Rush, Savage, Stetson, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Welch:

WHEREAS, On the 17th day of March, 1909, the Senate of the State of California adopted substitute for a resolution introduced by Senator Wright on March 9, 1909, and which substitute is in the words and figures as follows:

WHEREAS, An Act of Congress entitled "An Act for the admission of California into the Union," approved September 9, 1850, among other things provides "that all the navigable waters within the State shall be common highways and forever free as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost or duty therefor;" and

WHEREAS, An attempt was made many years ago to convey to private ownership certain lands within the jurisdiction of this State and lying below the ordinary high tide line, in violation of the letter and spirit of the said Act admitting the State of California into the Union; and

WHEREAS, Certain lands of great value lying below the ordinary high tide line and within the bays of San Francisco, Vallejo, Eureka, San Pedro, and San Diego are now held in alleged private ownership adversely to the State, now, therefore, be it

Resolved, That the Senate of the State of California respectfully calls the attention of the Governor and the Attorney General to the conditions above recited, to the end that they may take such legal steps as will protect and preserve the interest of the State of California in all tide lands lying within the harbors of this State; and

WHEREAS, There has been passed through both houses of this Legislature Senate Bill No. 226, entitled "An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," and also passed Senate Bill No. 227, entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; and making an appropriation of one thousand dollars for the expense of printing bonds; and providing for the submission of this Act to a vote of the people," and both of which bills are now before the Governor for approval; and

WHEREAS, It is of the great and paramount importance to the people of the State of California that the title if any of the State of California in and to the lands situate in the city and county of San Francisco, California, and described in Senate Bill No. 226, to wit: "Commencing at the intersection of the water front line of September 12th, 1877, with the southerly line of Islais street, and extending southeasterly along the said water front line to its intersection with the northerly line of India street; thence westerly along said northerly line of India street to its intersection with the southwesterly line of First avenue south; thence northwesterly along said southwesterly line of First avenue south to its intersection with the easterly line of Kentucky street; thence northerly along said easterly line of Kentucky street to its intersection with the southerly line of Islais street; thence easterly along said line of Islais street to the point of beginning, and containing

all the blocks and parts of blocks and streets with the above described boundaries," be determined; now, therefore, be it

Resolved by the Senate of the State of California, That in accordance with the provisions of the substitute for the resolution first hereinabove referred to, that the Governor and the Attorney General be, and they are hereby, requested to immediately proceed by proper investigation, suit, or proceeding to determine the title of the State of California, if any, in and to the lands described in Senate Bill No. 226, and hereinbefore described in order that the said title may be ascertained and determined before the election mentioned in said Senate Bill No. 227 shall have been held, and the result of such investigation suit or proceeding be filed in the office of the Secretary of State.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall Burnett, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Holohau, Hurd, Kennedy, Leavitt, Lewis, Price, Roseberry, Rush, Savage, Stetson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

MEMBERS' SPECIAL URGENCY FILE—(OUT OF ORDER).

On motion of Senator Wolfe, the Members' Special Urgency File was taken up.

Senate Bill No. 1229—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.

Senate Bill No. 1229 temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 560—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

On motion of Senator Finn, Senate Bill No. 560 was temporarily passed on file, to retain its place.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

On motion of Senator McCartney, Assembly Bill No. 6 was temporarily passed on file, to retain its place.

Assembly Bill No. 5—An Act to repeal an Act entitled "An Act to create a drainage district, to be called Sacramento Drainage District; to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905.

On motion of Senator Bills, Assembly Bill No. 5 was temporarily passed on file, to retain its place.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

On motion of Senator Wolfe, Assembly Bill No. 1331 was temporarily passed on file, to retain its place.

Assembly Bill No. 1446—An Act appropriating money to provide and equip quarters for the Hastings College of the Law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1446 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsell, Boynton, Caminetti, Campbell, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Price, Reilly, Roseberry, Rush, Savage, Strobridge, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Finn, the second-reading file of Assembly bills was taken up.

Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, 16a, 16d, 16e, 16f, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31 and to renumber the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907.

During second reading of bill, the following amendments were submitted by committee:

Amend title by inserting in line 4, after the word "medicine", the words "and to regulate the practice of veterinary medicine".

Amendment adopted.

Also:

Amend on page 2, Section 1, line 19, after the word "California", by inserting the following: "except in the cases provided for in Sections 7 and 8 of this Act".

Amendment adopted.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Thompson moved that the vote whereby Assembly Bill No. 622 was refused final passage, be now reconsidered.

The motion was duly seconded.

SPECIAL ORDER SET.

Senator Thompson moved that the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 622 was refused final passage be postponed, and made a special order for Saturday, March 19, 1909, immediately after the reading of the Journal.

Motion carried.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Hartman moved that the vote whereby Senate Bill No. 749—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Anthony, Burnett, Caminetti, Cutten, Finn, Hartman, Kennedy, McCartney, Reily, Savage, Weed, and Wolfe—12.

NOES—Senators Bates, Bell, Bills, Birdsall, Boynton, Campbell, Curtin, Estudillo, Leavitt, Miller, Price, Roseberry, Sanford, Stetson, Strobridge, Thompson, Walker, Welch, Willis, and Wright—20.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3 be postponed and made a special order for this day at eight o'clock P. M.

Motion carried.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 31—An Act to amend Section 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson of Sacramento, Drew, and Johnston of Contra Costa, and we report that the Free Conference Committee agreed

upon and recommend that the Senate amendment to the bill be amended by inserting after the word "manner", in line 11 of Subdivision 2 of the section, the words "and time", and that the Assembly concur in the Senate amendment thus amended.

McCARTNEY,
MILLER,
WILLIS.

Committee on Free Conference.

Report and amendment read.

The question being upon the adoption of the report and amendment.

The roll was called, and the report and amendment adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cutten asked for, and was granted, unanimous consent to have Assembly Bill No. 1233 taken up for consideration out of order.

Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class, and their deputies and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1233 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hurd, Kennedy, Leavitt, McCartney, Miller, Price, Reily, Roseberry, Rush, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1252 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 1364—An Act to amend Section 1622 of the Political Code, relating to teachers' salaries, and fixing a minimum amount to be paid—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Acting Chairman.

Assembly Bill No. 1364 ordered on file for second reading.

UNFINISHED BUSINESS.

REPORT OF SPECIAL COMMITTEE ON CONFERENCE.

To the Honorable Senate and Assembly of the State of California:

Your Committee on Conference on Assembly Bill No. 167 respectfully report: We recommend that the Senate be requested to recede from its amendment to said bill.

H. M. HURD,
E. B. MARTINELLI,
EDWARD I. BUTLER,
RICHARD MELROSE,
GEORGE M. PERINE,

A majority of said committee.

The question being upon the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Bell, Bills, Birdsall, Campbell, Holohan, Hurd, Leavitt, Miller, Price, Strobridge, Thompson, Weed, and Wolfe—13.

NOES—Senators Anthony, Bates, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Kennedy, Lewis, McCartney, Reilly, Roseberry, Sanford, Savage, Walker, Welch, and Wright—20.

Assembly Bill No. 167 ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President pro tem. announced that he had appointed Senators Finn, Burnett, and Miller on a Committee on Free Conference on Assembly Bill No. 167, to meet with a like committee from the Assembly.

CASE OF URGENCY.

Assembly Bill No. 282—An Act to amend Section 775 of the Code of Civil Procedure, relating to sales in actions in partition.

Bill read second time previously this day.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 282 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Price, Reilly, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to have Senate Bill No. 1249 taken up for consideration out of order.

Senate Bill No. 1249 - An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1249 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hartman, Holohan, Hurd, Kennedy, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator McCartney:

Resolved, That the State Printer be, and he is hereby, authorized and directed to print 5,000 copies of Chapter 133, approved March 8, 1909, relative to juvenile courts; and be it further

Resolved, That the Secretary of State be, and he is hereby, authorized to receive said printed matter for distribution to the public.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller of the State be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for \$50.00, payable out of the contingent fund of the Senate, for the purchase of postage stamps to be used by the Press Mailing Clerks—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bell, Birdsall, Burnett, Caminetti, Cartwright, Curtin, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Rush, Sanford, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 944—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read second time previously this day.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Finn moved a call of the Senate.

Motion carried.

Time, four o'clock and fifty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cartwright, Curtin, Estudillo, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Rush, Sanford, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and fifty-five minutes P. M., Senator Miller was brought to the bar of the Senate, and, on motion of Senator Kennedy, he was excused for absence from the Senate Chamber.

At five o'clock P. M., Senators Willis and Martinelli were brought to the bar of the Senate, and, on motion of Senator Kennedy, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and one minute P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Finn.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 944 finally passed by the following vote:

AYES—Senators Bates, Bills, Burnett, Caminetti, Cartwright, Curtin, Finn, Hare, Hartman, Hurd, Kennedy, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Strobridge, Willis, Wolfe, and Wright—22.

NOES—Senators Bell, Birdsall, Boynton, Holohan, Leavitt, Miller, Roseberry, Thompson, Walker, and Weed—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape, and to amend Section 264 of the Penal Code of the State of California, regarding the punishment for the crime of rape.

Also: Assembly Bill No. 1065—An Act appropriating money to pay the claim of H. C. Muddox, Chris. Totten, and R. W. Simonds against the State of California.

Also: Assembly Bill No. 1398—An Act to add a new section to the Penal Code of California, to be numbered 653c, relating to treating to intoxicating liquors.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 638, 1065, and 1398 read first time.

Assembly Bill No. 638 ordered referred to Committee on Judiciary.

Assembly Bill No. 1065 ordered referred to Committee on Finance.

Assembly Bill No. 1398 ordered referred to Committee on Public Morals.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns Assembly Bill No. 6 to your honorable body.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 842—An Act to amend Article I of Chapter I of Title VIII of Part III of the Political Code of the State of California, said title relating to property of the State, said chapter relating to the public lands, and said article relating to general provisions respecting public lands, by amending Sections 3398 and 3406 thereof, relating to location of lands in United States land offices, by adding a new section thereto, to be known as Section 3406a, relating to bases for indemnity selections, by amending Section 3407, relating to the issuance of approvals and as hereby amended relating to certificates of purchase, by repealing Section 3410 thereof relating to compensation of registers and receivers of United States land offices, and by adding five new sections thereto, to be known as Sections 3408a, 3408b, 3408c, 3408d, and 3408e, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, withholding certain lands from sale, and making the same bases for indemnity selections, providing a method for the sale at public auction of indemnity certificates or scrip, entitling the owner to have selected for him government lands in lieu thereof, making certain acts unlawful, providing penalties for the commission of such unlawful acts and all said sections relating to land grants made to the State by the United States and lands to be selected in lieu thereof—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 842?"

After the word "scrip", in line 14, page 2, of the printed bill, insert the following: "But nothing herein shall be construed as affecting the validity of, or to interfere with the perfecting of any selection, reselection, designation or redesignation now in good standing in the United States Land Office. And no reselection of any land for which a certificate of purchase is outstanding shall be made by the Surveyor General until the certificate of purchase issued therefor shall have been surrendered."

Also:

After the word "offices", in line 20, page 3, of the printed bill, insert the following: "The county recorder upon the request of any person or his agent or attorney shall forthwith on the payment of the fees allowed by law, furnish the certificate herein required, or any other such certificate that may be required by the rules or regulations of the United States Land Office."

And:

Strike out the words "three dollars", in line 34, page 8, of the printed bill, and insert in lieu thereof the words "one dollar and twenty-five cents".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 842 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Caminetti, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Reilly, Roseberry, Rush, Sanford, Strobbridge, Thompson, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 842 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Free Conference Committee on Assembly Bill No. 31—An Act to amend Section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1251 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from amendments to Senate Bill No. 625—An Act to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder: to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and all Acts supplemental thereto and amendatory thereof'"—and have appointed Messrs. Johnson of Sacramento, Gibbons, and Kehoe as a Committee on Conference, to meet a like committee from your honorable body, and respectfully request that you appoint said committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. announced that he had appointed Senators Wright, Price, and Sanford on a Committee on Conference on Senate Bill No. 625.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 37?"

Strike out of line 14, page 1, of the printed bill, the words "the Governor shall appoint", and insert in lieu thereof the following: "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education, there shall be appointed four additional members of the State Board of Education, as follows:"

Also:

Strike out of lines 21 and 22, page 2, of the printed bill, the comma after the word "county" and the words "as members of the State Board of Education", and insert in lieu thereof a period after the word "county".

Also:

Strike out of line 30, page 2, of the printed bill, the words "by the Governor", and insert in lieu thereof the following: "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education."

Also:

In line 15, on page 2, of printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Also:

In line 32, on page 2, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Also:

In line 14, of the printed bill, strike out all the line commencing with the word "by", and strike out all of lines 15 and 16, and substitute in lieu thereof the following: "by a majority vote of the said ex officio members, one of which majority shall be the Governor,".

And:

In lines 31, 32, and 33, of the printed bill, omit all included by the brackets, and substitute in lieu thereof the following: "by a majority vote of the ex officio members of the board, including the Governor".

On motion of Senator Caminetti, further consideration of the question was postponed and Senate Constitutional Amendment No. 37 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Also: Assembly Bill No. 148—An Act relating to and providing for the remuneration of attorneys and counselors at law, for professional services rendered in Superior Courts in the defense of prosecutions conducted against indigent defendants.

Also: Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President, the Vice-President of the United States, or Governor of any state or territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor," approved February 28, 1903.

Also: Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of California.

Also: Assembly Bill No. 323—An Act to add a new section to the Penal Code of California, to be known as section two hundred and forty-seven, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any state or territory, or any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

Also: Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1960, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors against trust estate.

Also: Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employers (employees) of State institutions," approved March 19, 1903.

Also: Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers or employees of State institutions.

Also: Assembly Bill No. 330—An Act to add a new section to the Penal Code of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Also: Assembly Bill No. 331—An Act to add a new section to the Penal Code of California, to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Also: Assembly Bill No. 332—An Act to amend Section 653½ of the Penal Code of California.

Also: Assembly Bill No. 333—An Act to repeal sections eighteen hundred and sixty-seven, eighteen hundred and sixty-eight, eighteen hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Also: Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Also: Assembly Bill No. 340—An Act to add a new section to the Penal Code of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Also: Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Also: Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing

for the registration of bonds issued by common school, high school, union high school or joint union high school districts.

Also: Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Also: Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Also: Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Also: Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance or property belonging to the State.

Also: Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Courts of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Also: Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of California, to be known as section eighty, relating to the validity of writs, process, and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Also: Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Also: Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as section three thousand five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Also: Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Also: Assembly Bill No. 354—An Act to add a new section to the Penal Code of California, to be known as six hundred and fifty-three *e*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts and the manner of making such change," approved March 16, 1903.

Also: Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as section one thousand five hundred and seventy-five *a*, providing for the change of name of school districts and the manner of making such change.

Also: Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

Also: Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as section eighteen hundred and eighty-nine *a*, providing for moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Also: Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and twenty-one *a*, relating to markings of Government survey.

Also: Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey," approved March 18, 1905.

Also: Assembly Bill No. 641—An Act to amend section eleven hundred and eighty-one of the Penal Code, with reference to the granting of a new trial.

Also: Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof, in relation to reconstruction of county roads and public highways within boulevard districts.

Also: Assembly Bill No. 1182—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.

Also: Assembly Bill No. 1189—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.

Also: Assembly Bill No. 1206—An Act to amend Sections 1068 and 1069 of the Code of Civil Procedure, relating to the writ of review.

Also: Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Also: Assembly Bill No. 1332—An Act to amend Section 622a of the Political Code, relating to taxes on insurance premiums.

Also: Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Also: Assembly Bill No. 1107—An Act to prohibit discrimination or rebates on premiums for policies of insurance companies.

Also: Passed on March 19, Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of Laws," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

And: Adopted on March 18, Assembly Concurrent Resolution No. 19—Relative to adjourning sine die.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bills Nos. 133, 148, 321, 322, 323, 324, 325, 326, 327, 330, 331, 332, 333, 334, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 353, 354, 355, 356, 357, 358, 359, 360, 641, 1008, 1156, 1182, 1189, 1206, 1215, 1332, 1413, 1107, and 824 read first time.

Assembly Concurrent Resolution No. 19 ordered referred to Committee on Finance.

Assembly Bills Nos. 133, 346, 347, and 1413 ordered referred to Committee on Finance.

Assembly Bills Nos. 148, 321, 322, 323, 324, 325, 326, 327, 333, 334, 344, 345, 348, 349, 350, 351, 359, 360, 641, 1182, 1189, 1206, 1215, 1332, and 1107 ordered referred to Committee on Judiciary.

Assembly Bills Nos. 330, 331, 332, 342, 343, 355, 356, 357, and 358 ordered referred to Committee on Education.

Assembly Bills Nos. 340 and 341 ordered referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 353 and 354 ordered referred to Committee on Corporations.

Assembly Bill No. 1156 ordered referred to Committee on Roads and Highways.

Assembly Bills Nos. 1008 and 824 ordered on file, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 16—An Act to prevent any minor under the age of eighteen years visiting any prize fight, cock fight, or place where any prize fight or cock fight is advertised or represented to take place, and to provide a punishment therefor.

Also Assembly Bill No. 106—An Act authorizing certain suits against the State, and regulating the procedure therein.

Also: Assembly Bill No. 114—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Also: Assembly Bill No. 116—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

Also: Assembly Bill No. 141—An Act to amend section thirty-six hundred and seventeen of the Political Code of the State of California, relating to the definition of terms and words.

Also: Assembly Bill No. 317—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Also: Assembly Bill No. 579—An Act amending Section 1856 of the Civil Code of the State of California, relative to lien of depositary for hire on property.

Also: Assembly Bill No. 580—An Act to amend Section 2144 of the Civil Code of the State of California, relative to carrier's lien on property.

Also: Assembly Bill No. 642—An Act to prevent false and incorrect representations and advertisements concerning articles offered for sale, and prescribing a punishment for the violation thereof.

Also: Assembly Bill No. 654—An Act to amend section eight hundred and seventy of the Penal Code of California, relating to the keeping and furnishing of depositions on examinations in criminal charges.

Also: Assembly Bill No. 686—An Act to amend Section 1663 of the Political Code, relating to the public schools.

Also: Assembly Bill No. 688—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian, and Chinese children, and authorizing the exclusion of children of filthy and vicious habits.

Also: Assembly Bill No. 724—An Act to amend Section 1874 of the Political Code, adding certain new sections, and changing the number of Section 1874a, all relating to text-books.

Also: Assembly Bill No. 727—An Act to amend Section 1636 of the political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census, and by providing a fine for those refusing to give in the school census.

Also: Assembly Bill No. 773—An Act to change, establish, and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

Also: Assembly Bill No. 790—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

Also: Assembly Bill No. 802—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.

Also: Assembly Bill No. 803—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, and providing for the redemption of said coupons.

Also: Assembly Bill No. 1002—An Act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions.

Also: Assembly Bill No. 1031—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.

Also: Assembly Bill No. 1092—An Act to amend Section 4259 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the thirtieth class, their deputies, and assistants.

Also: Assembly Bill No. 1099—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1191a, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

Also: Assembly Bill No. 1125—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, how submitted.

Also: Assembly Bill No. 1144—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.

Also: Assembly Bill No. 1145—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.

Also: Assembly Bill No. 1234—An Act for the establishment in the city of Santa Barbara of a State Normal School of Manual Arts and Home Economics, and making an appropriation therefor.

Also: Assembly Bill No. 1237—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

Also: Assembly Bill No. 1355—An Act to amend Section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

Also: Assembly Bill No. 1356—An Act to amend Section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

Also: Assembly Bill No. 1403—An Act to add four new sections to the Political Code of the State of California, relating to preparing a State budget.

Also: Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Willis, Assembly Bill No. 1447 was ordered withdrawn from the Committee on Judiciary, and ordered referred to Committee on Finance.

RECESS.

At four o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SPECIAL ORDER POSTPONED.

Senator Wright moved that the further consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3 be postponed and made a special order for Saturday, March 20, 1909, at two o'clock P. M.

The question being on the motion to postpone.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bates, Bills, Barnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Savage, Weed, Welch, Willis, Wolfe, and Wright—20.

NOES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Curtin, Escudé, Holahan, Miller, Roseberry, Rush, Sanford, Steison, Strobridge, Thompson, and Walker—19.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 22—Relative to a proposed collateral inheritance tax—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WILLIS, Chairman.

Senate Joint Resolution No. 22 ordered on file.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Senator Hartman, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, March 20, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 19, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Finn, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Mr. P. H. McCarthy.

And:

On request of Senator Bills, the privilege of the floor of the Senate Chamber, for this day, was unanimously extended to Dr. H. F. Niele and L. R. Daniels.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Boynton moved that the vote whereby Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—was finally passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

The motion was duly seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Lewis, Miller, Roseberry, Sanford, Stetson, Strobridge, Thompson, and Walker—18.

NOES—Senators Anthony, Bates, Bills, Finn, Hare, Hartman, Hurd, Leavitt, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—18.

The roll of the absentees was called.

Whereupon the President announced that the motion to reconsider was lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Lewis, Miller, Roseberry, Sanford, Stetson, Strobridge, Thompson, and Walker—18.

NOES—Senators Anthony, Bates, Bills, Finn, Hare, Hartman, Hurd, Leavitt, Martinelli, McCartney, Price, Reilly, Savage, Weed, Welch, Willis, Wolfe, and Wright—18.

Bill ordered transmitted to the Assembly.

STATEMENT.

Senator Burnett asked for, and was granted, permission to have the following statement printed in the Journal:

MR. PRESIDENT: At the time that the reconsideration of the vote whereby Assembly Bill No. 6 (commonly known as the change of venue bill), came up this day, I was in the Assembly Chamber looking after certain of my bills, the Senate not being in session, and although I was absent but a short time, the question of the reconsideration of said bill had been voted upon during my absence. If I had been present, I would have voted to reconsider the vote whereby said bill was passed.

LESTER G. BURNETT.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 1175—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods.

Also: Senate Bill No. 865—An Act to amend Section 397b of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Also: Senate Bill No. 870—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

Also: Senate Bill No. 484—An Act to add a new section to the Penal Code of California, to be numbered two hundred and sixty-six *b*, relating to male persons who live with, or live off of, or accept, the earnings of prostitutes, or any female not the wife of such male person, and providing a punishment therefor.

Also: Senate Bill No. 874—An Act to amend section thirty-four hundred and forty-six of the Political Code of the State of California, relating to the formation of reclamation districts.

Also: Senate Bill No. 1126—An Act to amend section thirty-seven hundred and ninety-three of the Political Code of the State of California, relating to the fee for seizure or sale of personal property for delinquent taxes.

Also: Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Also: Committee Substitute for Senate Bill No. 1213—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Also: Committee Substitute for Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

And report that the same have been correctly engrossed.

STROBRIDGE, Chairman.

Senate Bills Nos. 1175, 865, 870, 484, 874, 1126, 1224, and Committee Substitutes for Senate Bills Nos. 1213 and 1214 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Joint Resolution No. 20—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.

Also: Senate Bill No. 741—An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration.

Also: Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding, and pasturing sheep.

Also: Senate Bill No. 842—An Act to amend Article I of Chapter I of Title VIII of Part III of the Political Code of the State of California, said title relating to property of the State, said chapter relating to the public lands, and said article relating to general provisions respecting public lands, by amending Sections 3398 and 3406 thereof, relating to location of lands in United States land offices, by adding a new section thereto, to be known as Section 3406a, relating to bases for indemnity selections, by amending Section 3407, relating to the issuance of approvals, and as hereby amended relating to certificates of purchase, by repealing Section 3410 thereof, relating to compensation of registers and receivers of United States land offices, and by adding five new sections thereto, to be known as Sections 3408a, 3408b, 3408c, 3408d, and 3408e, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, withholding certain lands from sale, and making the same bases for indemnity selections, providing a method for the sale at public auction of indemnity certificates or scrip, entitling the owner to have selected for him Government lands in lieu thereof, making certain acts unlawful, providing penalties for the commission of such unlawful acts, and all said sections relating to land grants made to the State by the United States and lands to be selected in lieu thereof.

Also: Senate Bill No. 1251—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twentieth day of March, nineteen hundred and nine, at eleven o'clock A. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 623—An Act to amend Section 607i of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties, and forfeitures.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor."

Also: Senate Bill No. 33—An Act to establish the School of Trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of the grounds thereof for the use and occupancy of said school of trades, and making an appropriation therefor.

Also: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others.

Also: Senate Bill No. 102—An Act making an appropriation for the completion of repairs to the mavor house at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No. 344—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 349—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Senate Bill No. 593—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 651—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

Also: Senate Bill No. 668—An Act to provide for the extension of the light, heating, power, water, and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 709—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

Also: Senate Bill No. 710—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

Also: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 921—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Also: Senate Bill No. 968—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.

Also: Senate Bill No. 970—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoenas.

Also: Senate Bill No. 979—An Act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 998—An Act to provide for the incorporation, organization and management of municipal water districts.

Also: Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the cor-

porate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 1065—An Act authorizing and directing the State Board of Prison Directors to make an investigation, and report to the Governor, of and relating to the cost, management, and government of a reformatory institution in this State, and making an appropriation therefor.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered forty-two hundred and eighty-one *a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Also: Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one thousand four hundred sixty-five *a*, relating to notices to be given of petitions to set aside exempt property for the use of the family.

Also: Senate Bill No. 1143—An Act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure of the State of California, relating to the disposition of life estates and homestead property on owner's death in certain cases.

Also: Senate Bill No. 1179—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.

Also: Senate Bill No. 1228—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements.

Also: Senate Bill No. 1243—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Also: Senate Bill No. 1245—An Act to amend section four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts.

Also: Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 64—An Act to amend Section 626/ of the Penal Code, relating to the protection of deer.

And report that the same have been correctly enrolled, and presented the same to the Governor on this nineteenth day of March, nineteen hundred and nine, at six o'clock P. M.

STROBRIDGE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature—and report that the same has been correctly enrolled, and presented the same to the Governor on this nineteenth day of March, nineteen hundred and nine, at twelve o'clock and forty-five minutes P. M.

STROBRIDGE, Chairman.

SPECIAL FILE OF APPROPRIATION BILLS.

On motion of Senator Anthony, the Special File of Appropriation Bills was taken up.

Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California, on account of injuries sustained while in the service of the State of California in the National Guard thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1407 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Curtin, Finn, Hare, Hurd, Leavitt, Martinelli, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles in Agricultural Park, for the use of all the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 154 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-six minutes P. M., on motion of Senator Wolfe, the hour of recess was extended until further order of the Senate.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Bills asked for, and was granted, unanimous consent to have Assembly Bill No. 1351 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1351—An Act providing for the formation of Yolo Basin Drainage District, and providing for its management.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bills moved to refer to Senator Boynton as a special committee of one to amend, as follows:

By adding after line 7, Section 4, on page 6, of the printed bill, the following:
 SEC. 4½. Nothing contained in this Act shall be construed as repealing or modifying the provisions of that certain Act entitled "An Act to create a drainage district, to be called Sacramento Drainage District; to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 29, 1905, but said Act shall continue in full force and effect.

And:

In line 103, page 4, of the printed bill, strike out the word "southwest", and insert in lieu thereof the word "southeast".

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1351, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Bills, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1351.

Also:

Senator Burnett asked for, and was granted, unanimous consent to have Assembly Bill No. 1252 taken up for consideration out of order.

Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1252 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Estudillo, Finn, Holohan, Lewis, Martinelli, McCartney, Price, Reily, Savage, Strohbridge, Walker, Weed, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Price:

Resolved, That Henry W. Fick be, and he is hereby, directed to assist the Secretary of the Senate in performing that certain work heretofore authorized by the Senate to be performed after adjournment of the thirty-eighth session of the Legislature, and in payment therefor the Controller is directed to draw his warrant in favor of said Henry W. Fick in the sum of \$200.00, payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and ordered referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Byran Elevator Company against the State of California.

Also: Assembly Bill No. 1434—An Act appropriating money to pay the claim of the Roebeling Construction Company against the State of California.

Also: Assembly Bill No. 1435—An Act appropriating money to pay the claim of James Campbell against the State of California.

Also: Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Also: Assembly Bill No. 1437—An Act appropriating money to pay the claim of the Columbia Marble Company against the State of California.

Also: Assembly Bill No. 1438—An Act appropriating money to pay the claim of A. Merle & Company against the State of California.

Also: Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 1433, 1434, 1435, 1436, 1437, 1438, and 1439 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Committee Substitute for Assembly Bill No. 30—An Act to authorize James Touchey to bring suit against the State of California—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WILLIS, Chairman.

Committee Substitute for Assembly Bill No. 30 ordered on file for second reading.

MOTION.

Senator Wolfe moved that the special order heretofore set for two o'clock P. M. this day be postponed until three o'clock P. M. this day, and that when the Senate take a recess it be until three o'clock P. M.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wolfe moved that the regular order be suspended, and that each Senator be permitted to have a bill taken up for consideration.

Motion carried.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 743 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1404—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1404 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Campbell, Curtin, Estudillo, Hare, Holohan, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Savage, Strobridge, Walker, Weed, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1428—An Act to prevent the destruction of wild game within the boundaries of the Pinnacles Forest Reserve and Pinnacles National Monument, in the counties of San Benito and Monterey, in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1428 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine *a*, relating to appointment of poundkeepers outside of incorporated cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Hare, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price,

Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND REFERENCE OF BILLS.

On motion of Senator Cutten, Assembly Bills Nos. 330, 342, 343, 331, 332, 355, 356, 357, and 358 were ordered withdrawn from the Committee on Education, and ordered referred to the Committee on Judiciary.

Also:

Assembly Bills Nos. 341, 340, and 359 ordered withdrawn from the Committee on Public Health and Quarantine, and ordered referred to Committee on Judiciary.

Also:

Assembly Bills Nos. 346 and 347 were ordered withdrawn from Committee on Finance, and ordered referred to Committee on Judiciary.

And:

Assembly Bills Nos. 353 and 354 ordered withdrawn from Committee on Corporations, and ordered referred to Committee on Judiciary.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Assembly Bill No. 1313—An Act providing for topographic surveys and investigations of the water resources of the State, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1313 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At one o'clock and ten minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Assembly Bill No. 919—An Act to create a reclamation district, to be called American River Reclamation District No. 1, and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 finally passed by the following vote:

AYES—Senators Bates, Bills, Birdsall, Burnett, Campbell, Curtin, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Stetson, Strobridge, Thompson, Walker, Weed, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 1409—An Act to amend section eight hundred and fifty of the Code of Civil Procedure, relating to the notice of trial, and service of notice thereof in Justices' Court.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1409 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Burnett, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1087—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines, in False Bay, or in the entrance thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1087 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

Read second time on previous day, with amendments pending.

MOTION.

Senator Hurd moved that the consideration of the pending amendments be postponed.

Motion lost.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 11, page 10, of printed bill, by striking out the comma and the word "as", after the word "cappers", in line 16, and insert in lieu thereof the word "or".

Also:

Amend Section 11, page 10, of printed bill, by striking out line 16a.

And:

Amend Section 8, page 7, of printed bill, by inserting after the word "study", in line 25, the following: "or who has received an equivalent education."

Amendments read.

The question being upon the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Bates, Hare, Hartman, Reily, and Weed—5.

NOES—Senators Bell, Birdsell, Boynton, Burnett, Caminetti, Campbell, Cotten, Estudillo, Holohan, Leavitt, Martinelli, McCartney, Price, Roseberry, Savage, Stetson, Strobridge, Walker, and Welch—19.

Also:

Offered by Senator Hurd:

Amend by inserting in Section 8, line 4, after the word "following": "No person shall be eligible for examination by the State Board of Dental Examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental college, which must have been indorsed by the Board of Dental Examiners of California, or who shall not furnish to said board of examiners a certificate from the State Board of Dental Examiners, or similar body, of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that state for at least five (5) years; *provided* that every person actually engaged as an apprentice to a regularly licensed dentist in the State of California at the time of the passing of this Act shall be eligible for examination, if, within thirty (30) days after the passage of this Act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination, shall show to the satisfaction of the board that he has served an apprenticeship of at least four (4) years, and is a graduate from a high school or similar institution of learning in this or some other state of the United States requiring a three (3) years' course of study; *and provided*, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than June, 1913.

"All persons shall be eligible for examination by the State Board of Dental Examiners who shall furnish satisfactory evidence of having graduated from a reputable dental college; or who shall furnish, at least ten days before the date set for examination by said State Board, a certificate signed by at least two duly licensed dentists of this State, each of whom shall have been regularly licensed and engaged in the actual practice of dentistry for at least four years next theretofore, stating in substance that they have and each of them has carefully and diligently examined the applicant touching the qualifications of said applicant in point of learning and experience in dentistry; that it satisfactorily appeared to them, and to each of them upon such examination, that the applicant had been engaged in the study of and had practical experience in dentistry continuously for the period of four years next theretofore, naming the place at which, if any, such study and experience has been prosecuted and obtained, and the applicant had during that time had actual experience, and had read books upon each and all of the subjects mentioned in Section 8 of this Act, which subjects shall be enumerated in the certificate, and stating any other facts tending to show the character of the attainments of the applicant, and also stating that in their opinion, the applicant possesses the requisite qualifications in point of learning and experience to be entitled to become a licensed dentist, or who shall furnish to said board of examiners a certificate from the State Board of Dental Examiners or similar body of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that State for at least five years; *provided* that all persons who have been for ten years last past continuously engaged in the practice of dentistry (or to whom temporary licenses have heretofore been issued under previous Acts) shall not be required to take the written examination as required in Section 8 of said Act, but shall be permitted to demonstrate their skill and ability to practice dentistry to the said Board of Dental Examiners, who shall, if said applicants exhibit reasonable skill in the practice of dental surgery, issue a license authorizing them to practice dentistry in this State without further examination."

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bates, Bills, Curtin, Finn, Hare, Hartman, Leavitt, Reily, Weed, Willis, and Wright—11.

NOES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cutten, Estudillo, Holohan, Hurd, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Stetson, Strobbridge, Walker, Welch, and Wolfe—21.

MOTION TO RECONSIDER.

Senator Hurd moved that the vote whereby the above amendment to Committee Substitute for Assembly Bill No. 320 was refused adoption be now reconsidered.

The motion was duly seconded.

MOTION TO POSTPONE MOTION TO RECONSIDER.

Senator Hurd moved that the further consideration of the motion to reconsider the vote whereby the Senate refused adoption to the above amendment to Committee Substitute for Assembly Bill No. 320 be postponed.

The motion was duly seconded.

Motion lost.

The question now being upon the original motion to reconsider.

Motion lost.

Bill ordered to third reading.

Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885, to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907, all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hurd moved to refer to Senator Thompson as a special committee of one to amend, as follows:

By striking out of Section 9, line 35, after the word "board", and inserting in lieu thereof the following: "Said board shall accept and register on the payment of a fee of fifty (50) dollars and without an examination of the applicant issue a certificate as in this Act provided, to any person holding a license which shall have been issued to him or her by the Dental Examining Board of the District of Columbia or any other state or territory of the United States; *provided, however,* that the legal requirements of said dental examining boards, the applicant's preliminary and dental educational qualifications shall have been at the time of issuing such license or certificate, in no degree or particular less than those required by the rules of the board and the laws of this State; *provided, however,* that such applicant shall have been actively engaged

in the practice of his profession in the state issuing such license or certificate at least two years immediately previous to him making such application to the board of this State; *provided further*, that such state, territory, or district will grant to medical or osteopathic licentiates of the State of California equal privileges."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 320 finally passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Catten, Estudillo, Holohan, Hurd, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Stetson, Strobbridge, Walker, Welch, Wolfe, and Wright—22.

NOES—Senators Finn, Leavitt, and Weed—3.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Hurd gave notice that on next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bill No. 320 was this day finally passed.

Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment, or order of court, shall *prima facie* be deemed made under proceedings duly had.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 refused final passage by the following vote:

AYES—Senators Bates, Reily, Willis, Wolfe, and Wright—5.

NOES—Senators Bills, Birdsall, Burnett, Estudillo, Finn, Hare, Hartman, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, and Weed—20.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1224 passed by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Stetson, Walker, Weed, Willis, and Wright—24.

NOES—Senator Thompson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 22.

Relative to a proposed federal collateral inheritance tax.

WHEREAS, The new revenue bill reported by the Ways and Means Committee of the United States House of Representatives contains provisions for an inheritance tax, to be both collateral and direct; and

WHEREAS, More than thirty states now have inheritance tax laws, and among this number is the State of California, which will this year receive from this source about one million dollars; and

WHEREAS, For state governments and the Federal Government to depend for revenue upon the same subjects of taxation is not in accord with sound financial

principles, while the double taxation of inheritances would be burdensome and unjust to the persons who must pay the taxes; therefore, be it

Resolved by the Senate and Assembly of the State of California concurring jointly, That it would be inexpedient for the Federal Government to impose inheritance taxes at this time and that such action would be unfair to California and other states which already tax inheritances; and be it further

Resolved, That our Senators and Representatives in Congress be requested to oppose this feature of the pending tariff bill and endeavor to have it stricken from the measure; and be it further

Resolved, That the Secretary of the Senate mail copies of these resolutions to our Senators and Congressmen.

Senate joint resolution read.

The question being upon the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 22 adopted by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Curtin, Cutton, Estudillo, Finn, Hurd, Leavitt, Martinelli, Reilly, Roseberry, Rush, Stetson, Strobebridge, Thompson, Willis, Wolfe, and Wright—22.

NOES—None.

Senate Joint Resolution No. 22 considered engrossed, and ordered transmitted to the Assembly.

Assembly Bill No. 1008—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 278—An Act providing for the construction of a water and sewer system in California Redwood Park and making an appropriation therefor.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one-hundredths dollars (\$6527.12), to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 974—An Act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 278, 465, 540, 888, and 974 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9 in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626e, 626d, 626m, and 627b of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626n and 626o, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Also: Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Also: Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishing of buildings, class rooms, and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 637—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

Also: Senate Bill No. 215—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 1138, 994, 904, 884, 844, 840, 833, 821, 773, 669, 637, 314, and 215 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day have appointed the following Committee on Free Conference, to meet a like committee from your honorable body, to consider Assembly Bill No. 167: Mr. Perine, Mr. Butler, and Mr. Melrose.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No. 885—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.

Also: Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real prop-

erty situate in Santa Clara County, in the State of California, and belonging to said State, to the western distilleries.

Also: Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations, counties or cities and counties, in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 22, 820, 885, 1061, and 1190 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of Committee on Free Conference on Assembly Bill No. 31—An Act to amend section number 2957 of the Civil Code, relating to chattel mortgages and the circumstances under which the same are void as to creditors and subsequent purchasers and incumbrancers.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed, as amended, Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 819—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.

Also: Senate Bill No. 905—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903," and adding a new section thereto, to be known and designated as Section 16a, relating to voting or ballot machines.

Also: Senate Bill No. 980—An Act to amend Sections 653c, 653b, and 653l of the Civil Code of the State of California, all relative to cooperative business associations.

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Also: Senate Bill No. 1088—An Act to amend section five and section ten of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.

Also: Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 670?"

In line 1, Section 1, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the word "eight".

And:

Amend by striking out of Section 1, line 1, of printed bill, the word "twenty four", and inserting in lieu thereof the following: "twelve".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 670 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Leavitt, Lewis, McCartney, Reily, Roseberry, Stetson, Strobidge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 670 ordered to enrollment.

Also:

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 819?"

Strike out the words "not to exceed twenty-four hundred dollars" found in lines 10 and 11, Section 1, page 1, of printed bill.

Also:

After the word "compensation", in line 10, Section 1, page 1, of the printed bill, insert the words "with the approval of the judge who impaneled the grand jury".

And:

Strike out all from the word "It", in line 13, Section 1, page 1, of the printed bill, down to and including the word "years", in line 23, Section 1, page 2, of the printed bill.

On motion of Senator Strobidge, further consideration of the question was postponed, and Senate Bill No. 819 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1130?"

In line 2, Section 1, of the printed bill, strike out the word "other".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 1130 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Finn, Holohan, Hurd, Leavitt, Lewis, McCartney, Rush, Stetson, Strobidge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 1130 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 905?"

Amend the title by inserting in line 2 thereof, after the word "amend", the following: "Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of".

Also:

After the figures "1903", in line 11, of the title, insert the following: "and adding a new section thereto, to be known and designated as Section 16a, relating to voting or ballot machines."

Also:

In Section 1, page 1, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the following: "An Act creating a state commission on voting or balloting machines; defining their powers; and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903."

Also:

In Section 5, page 9, line 22, strike out the comma following the word "instructions", and all the remainder of said line, and all of lines 23, 24, 25, 26, and 27, down to and including the word "instruction".

Also:

In Section 7, page 12, line 16, strike out the word "five", and insert in lieu thereof the word "three".

Also:

In Section 7, page 12, line 17, strike out the word "five", and insert in lieu thereof the word "three".

Also:

In Section 2, page 5, line 1, strike out the words "of the Act hereby amended" and the comma following the figure "4", and insert in lieu thereof the words "of said Act".

Also:

In Section 3, page 6, line 1, strike out the comma and the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

Also:

In Section 4, page 7, line 1, strike out the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

Also:

In Section 5, page 8, line 1, strike out the words "of the Act hereby amended", and insert in lieu thereof the words "of said Act".

Also:

In Section 5, page 9, line 14, after the word "daily", insert the words "or weekly".

Also:

In Section 5, page 9, lines 15 and 16, strike out the following: "if there be a daily or dailies there published, and if not, then in a weekly newspaper,".

Also:

In Section 6, page 10, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

Also:

In Section 7, page 12, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

Also:

In Section 8, page 13, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

Also:

In Section 9, page 14, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

Also:

In Section 10, page 14, line 1, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

And:

In Section 11, page 17, line 2, strike out the words "the Act hereby amended", and insert in lieu thereof the words "said Act".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 905 by the following vote:

AYES—Senators Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cutten, Finn, Holohan, Hurd, Leavitt, Lewis, McCartney, Roseberry, Rush, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 905 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 980?"

Strike out all after the words "An Act" in the title, and insert in lieu thereof the following:

To amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXII of Part IV of Division First of said Act, relating to and providing for the incorporation, organization, management, and coöperation of non-profit coöperative corporations.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new title to be known as Title XXII of Part IV of Division First is hereby added to an Act entitled "An Act to establish a Civil Code," to read as follows:

TITLE XXII.

NON-PROFIT CO-OPERATIVE CORPORATIONS.

- Sec. 653t. Formation and purposes of.
- Sec. 653u. Membership.
- Sec. 653v. Articles of incorporation.
- Sec. 653w. By-laws.
- Sec. 653x. Powers of corporation.
- Sec. 653y. Amendment of articles of incorporation.
- Sec. 653z. Quo warranto.
- Sec. 653za. Particular corporations.
- Sec. 653zb. Voting.

653t. Non-profit coöperative corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title. A majority

of such persons must be residents of this State; and such corporation shall have and may exercise the powers authorized by this title, and the powers necessarily incident thereto, and also all other powers granted to private corporations by the laws of this State, excepting such powers as are inconsistent with those granted by this title.

653*n*. Such corporation shall not have a capital stock, and its business shall not be carried on for profit. Any person or any number of persons including and in addition to the original incorporators, may become members of such corporation upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said corporation shall prescribe in its by-laws. The corporation shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not, except as herein provided, be assigned by a member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein, nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise, to the property interests of a member, be entitled to membership, or become a member of the corporation by virtue of such transfer. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation. The corporation shall also have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

653*e*. Each corporation formed under this title must prepare and file articles of incorporation in writing setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.

5. The number of directors thereof, which must not be less than three, and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively of each member, may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule.

7. Said articles of incorporation shall be subscribed by three or more of the original members, a majority of whom must be residents of this State, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property, and shall be filed in all respects in accordance with the provisions of Section 296 of this Code, and thereupon the Secretary of State shall issue to the corporation, over the great seal of the State, a certificate that a copy of the articles containing the required statement of facts has been filed in his office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate. When so filed, the said articles of incorporation or certified copies thereof shall be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

653*e*. Each corporation incorporated under this title must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote of the members or the written assent of members representing a majority of the votes is necessary to adopt such by-laws. The provisions of Sections 303 and 304 of this Code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporation provided for in this title. Each corporation organized hereunder may also, by its by-laws adopted as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors, and of filling any and all vacancies in the board of directors.

2. The conditions upon which and the time when membership of any member in the corporation shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the corporation and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

3. The amount of membership fee, if any, and the amount which each member shall be required to pay, annually, or from time to time, if at all, to carry on the business of the corporation, and also the compensation, if any, to be paid by each member for any services rendered by the corporation to him, and the time of payment and the manner of collecting the same, and may provide for forfeiture of the interest of the member in the corporation for non-payment of the same.

4. The number and qualifications of members of the corporation and the conditions precedent to membership, and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest, and providing for the purchase of such interest by the corporation upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the corporation.

653r. Each corporation incorporated under this title shall have the powers granted by the provisions of this Code and other laws of California relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers:

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons and corporations to membership in the corporation, and to expel any member pursuant to the provisions of its by-laws; to forfeit the membership of any member for violation of any agreement between him and the corporation or for his violation of its by-laws.

2. To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any and all and every kind or kinds of real and personal property, also to carry on any and all operations necessary or convenient in connection with the transaction of any of its business.

3. Upon the written assent of two thirds of all the members or by a vote of members representing two thirds of the total votes of all members of each of two or more such non-profit cooperative corporations to cooperate with each other for the more economical carrying on of their respective businesses by consolidation, as provided in Section 653i of this Code, such consolidation shall be effected, and thereupon the effect of any consolidation shall be the same as declared in said section. Any such corporation upon resolution, adopted by its board of directors, shall have the power to enter into contracts and agreements, and to make stipulations and arrangements with any other corporation or corporations for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative corporations organized under this title, upon resolutions adopted by their respective boards of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement, unite in adopting, employing and using, or several such corporations may separately adopt, employ and use the same methods, policy, means, agents, agencies and terms of marketing for carrying on and conducting their respective businesses.

4. Any corporation formed or consolidated under this title may be dissolved, and its affairs wound up voluntarily by the written consent of members representing two thirds of the total votes, in the manner and with the effect provided in Section 653j of this Code, except that any property remaining after liquidation shall be divided among the members in proportion to their respective property interests therein.

653y. Any such corporation may amend its articles of incorporation in any manner not inconsistent with the provisions of this title, in the manner provided for by Section 362 of the Civil Code of this State.

653z. The right of a corporation claiming to be organized and incorporated, and carrying on its business under this title, to do and to continue its business, may be inquired into by quo warranto proceedings at the suit of the Attorney General, but not otherwise.

653za. This title is not applicable to railroads, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this Code applicable thereto are complied with.

653zb. In the event the by-laws shall provide for unequal power, or unequal property rights of the several members, or both, the provisions of this title with reference to a majority, a two-thirds, or other vote of the members, shall not apply, and in lieu thereof there shall be substituted a majority, or a two-thirds of the votes of the interests represented by the several members, or otherwise, as the case may be.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 980 by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Holohan, Hurd, Leavitt, Lewis, McCartney, Roseberry, Sanford, Stetson, Strobridge, Thompson, Weed, Welch, and Wolfe—21.

NOES—None.

Senate Bill No. 980 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1059?"

After the figure "2", in line 7, page 1, of the printed bill, insert the following: "The word 'estrays' as used in this Act is intended to include all domestic animals

that have strayed upon, or been found upon, lands other than those of their owner, or the public domain, or lands whose owner (or to which the person in possession thereof) has consented, may be passed over, or allowed to be entered on, by such animal."

Also:

Strike out the word "fifteen", in line 19, page 3, of the printed bill, and insert in lieu thereof the word "thirty".

And:

Strike out the word "five", in line 21, page 3, of the printed bill, and insert in lieu thereof the word "ten".

On motion of Senator Wolfe, the further consideration of the question was postponed, and Senate Bill No. 1059 was ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1088?"

In line 11, of the title, insert the word "by" before the word "enlarging".

Also:

On page 3, line 49, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks".

Also:

On page 3, line 54, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks".

And:

On page 3, line 65, of printed bill, after the word "county", insert the words "or counties".

On motion of Senator Wolfe, the further consideration of the question was postponed, and Senate Bill No. 1088 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 798—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the desiring, government, and municipal control of annexed territory," approved March 19, 1889.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California, relating to the levy of taxes—have had the same under consideration, and respectfully report the same back, with the recommendation that it be reported back as per instructions, and that it be referred to Committee on Finance.

WILLIS, Chairman.

Assembly Bill No. 1447 ordered referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Also: Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Also: Assembly Bill No. 1447—An Act to amend Section 3713 of the Political Code of the State of California, relating to the levy of taxes.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 1413, 133, and 1447 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Kennedy:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant, payable out of the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of five hundred eighty-one and thirty-three one-hundredths dollars in payment of the bills hereto attached.

Alex. Anderson.....	\$2 00
H. S. Crocker & Co.	466 65
Postal Telegraph Company	1 93
H. E. Sleeper	25
Scott, Lyman & Stack	110.50
	<hr/>
	\$581 33

Resolution read, and ordered referred to Committee on Contingent Expenses.

RECESS.

At one o'clock and fifty-five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Senator Miller arose to a question of personal privilege, and spoke as follows:

Mr. President and Gentlemen of the Senate: I rise to a question of personal privilege. On yesterday in the Assembly, Assemblyman Drew, in discussing the Fresno-Kings boundary bill and in urging non-concurrence on the part of the Assembly to the amendments that had been arranged by Senator Cartwright and myself—which amendments were made at the suggestion of the Governor of this State—took occasion to make certain remarks about me to which I desire to reply.

He said: "Senator Miller now concedes that my argument of yesterday in favor of going into conference on the ground that the bill was defective with reference to the reclamation districts—that it would throw them into turmoil and confusion—was correct, and that the bill should be amended." I desire to say that this statement is wholly, entirely, and absolutely false and without the slightest foundation in fact. I think the law sufficient as it exists now, and so stated to Mr. Short, but he was of a different opinion; and I told him I would be glad to introduce a bill to meet his views. I never had any conversation with Mr. Drew on the subject. Mr. Drew stated at that same time and place, "They have now introduced in the Senate, which they propose to jam through, intended to meet my objections to the Webber bill. Now, I want to ask, why it is that the organization and Senator Miller have been so opposed to this measure going into conference? I will tell you why it is: It is because they are not willing to trust the Lieutenant-Governor, and President of the Senate, and Speaker of this House, to appoint a committee. I do not believe there is a man in this House but would trust the Speaker to appoint a fair committee. He is not going to appoint a committee to favor either side. I will agree to this amendment if Mr. Webber will agree, but this bill should go to conference and be amended. Why is it, gentlemen, that this bill has been jammed through in this way? Why is it? I will tell you. It is a political job. I did not want to bring politics into this fight, but it has already been brought in. I say it is a political job. Senator Miller has gone into training for the next Governor, with Jerry Burke

as his principal rubber, and he (Burke) is trying to make political capital for Senator Miller."

Mr. President and gentlemen of the Senate, I deny absolutely, in toto, that I have been or am now a candidate for Governor. I further deny that I have been in training with Jerry Burke and the machine, or either of them, or any other person. I further state that I have never had any political affiliations with the Southern Pacific Railroad Company or Mr. Burke, and any statement to that effect is absolutely false. My record in this session and in the last is an open book, and is familiar to all of you. I submit my standing on that record. I have had during this session to talk with Mr. Burke in connection with the reciprocal demurrage bill, and in regard to the "fuel crew" bill, which I had in charge, and other matters in committee, where he appeared on behalf of the railroad company which he represents; but so far as my being with the organization, or having any desire to be, it is wholly unwarranted and is absolutely untrue, and I resent the attack.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 3, the same was taken up for consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Weed:

Resolved by the Senate of the State of California: That the President of the Senate be and he is hereby, authorized to instruct the Sergeant-at-Arms to proceed at once to Palo Alto with a competent physician, to be named by the President of the Senate, for the purpose of ascertaining whether it is safe for Senator Black to proceed at once to Sacramento to attend, as a member of the Senate of the thirty-eighth session of the California Legislature; and be it further

Resolved: That in the event that such examination results in disclosing a state of health wherein it will be safe for Senator Black to be present, that the Sergeant-at-Arms bring him at once to Sacramento, and if necessary to secure an engine and coach for that purpose.

Resolution read.

Senator Weed moved the adoption of the resolution.

Motion duly seconded.

During the discussion of the motion the following telegram was read by the President of the Senate:

PALO ALTO, CAL., March 20, 1909.

Lieutenant-Governor WARREN R. PORTER, Sacramento, Cal.

Physicians have decided that my physical condition is such that it is absolutely dangerous for me to leave my house to-day.

(Signed) MARSHALL BLACK.

11 45 A. M.

By unanimous consent, Senator Weed was permitted to withdraw the above resolution.

MOTION.

Senator Leavitt moved that the further consideration of the special order heretofore set for three o'clock P. M. this day, the same being the consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3, be postponed and made a special order for Sunday, March 21st, at two o'clock P. M.

Motion duly seconded.

Senator Thompson moved as a substitute that, when the Senate adjourn this day, it adjourn to meet Monday, March 22, 1909, at eleven o'clock A. M., and that all special orders be postponed to that time.

Motion duly seconded.

The question being on the motion to substitute.

Motion carried, and substitute adopted.

INTRODUCTION OF SENATE CONCURRENT RESOLUTIONS AND SENATE JOINT RESOLUTION—(OUT OF ORDER).

By unanimous consent, the following Senate concurrent resolutions and Senate joint resolution were introduced:

By Senator Wolfe: Senate Concurrent Resolution No. 19—Relative to the consideration of bills by the respective houses of the Legislature.

Senate concurrent resolution read, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 19.

By Senator Leavitt: Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of His Excellency Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Senate concurrent resolution read, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 20.

By Senator Curtin: Senate Concurrent Resolution No. 21—Relative to leaves of absence to certain Senators.

Senate concurrent resolution read, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 21.

By Senator Cutten: Senate Joint Resolution No. 23—Relative to maintaining without reduction the present tariff on wool imported into the United States from any foreign country.

Senate joint resolution read, and ordered on file without reference to committee.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Estudillo:

Resolved, That the Secretary and the Assistant Secretaries of the Senate must, at the close of this session of the Legislature, mark, label, and arrange all bills and papers belonging to the archives of the Senate, and deliver them, together with all the books and papers of the Senate, to the Secretary of State, who must certify to the reception of the same, and for such services each officer herein named is allowed the sum of fifty dollars, the same payable out of the contingent fund of the Senate, and the Controller of State is hereby directed to draw his warrant in favor of the above named officers in the said sums, payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read and referred to Committee on Contingent Expenses.

Also:

By Senator Strobbridge:

Resolved, That J. W. Kavanagh, Assistant Secretary of the Senate, be, and he is hereby, authorized and directed to procure immediately after the adjournment of this thirty-eighth session of the Legislature the rules of the legislatures of the several states of the United States, and the rules of Congress regarding printing, and to compare the same with the rules of this Senate, and to prepare and compile

a draft of rules for submission to the Senate at the opening of the thirty-ninth session of the California Legislature, with a view to reducing the cost of legislative printing, and of securing greater expedition in the transaction of the business of the Senate, and that on the completion of such work the draft of such proposed rules shall be filed with the Secretary of the Senate, and upon his receipt thereof being presented to the Controller, said Controller is hereby directed to draw his warrant in favor of the above-named person for the sum of three hundred dollars to pay for the expense of preparing said rules, said warrant to be payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator McCartney:

Resolved, That M. Leonard be, and he is hereby, directed to remain after the close of the session and perform services at the direction of the Secretary, and in payment thereof the Controller is directed to draw his warrant, payable out of the contingent fund of the Senate, in favor of said M. Leonard, in the sum of \$140, and the Controller is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Price:

Resolved, That the sum of \$21.00 be, and the same is hereby, ordered paid to the Sergeant-at-Arms of the Senate, payable out of the contingent fund of said body for expenses and mileage in going to and from Palo Alto under order of the Senate. The Controller is hereby ordered to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Burnett:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of \$403.70 in payment of the attached claims, the sum being on account of expenses incurred by the Committee on Federal Relations in their investigation of the advance of railroad and express rates in California, as per committee substitute of February 3, 1909, for Senate resolutions of Senator Caminetti, regarding increase of railroad rates and increase of express charges:

J. L. Martin, mileage and expenses	\$212 70
Earl Freeman, taking testimony	16 75
H. M. Payne, transcript of testimony	57 00
E. M. Bray, expense account	10 00
R. J. Somers, expense account	9 60
Geo. Minott, expense account	48 20
R. D. Carpenter, expense account	12 85
J. O. Bracken, expense account	10 00
W. C. Donnelly, expense account	10 00
S. Wacholder, expense account	10 00
E. D. Beard, expense account	6 80

\$403 90

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Thompson:

Resolved, That the Controller of the State is hereby directed to draw his warrants and the Treasurer of the State, to pay the same out of the contingent fund of the Senate, in favor of W. H. Wright, Minute Clerk of the Senate, and Sam E. Redmond, Assistant Minute Clerk of the Senate, each for the sum of fifty dollars (\$50.00), for remaining after the final adjournment of the Senate as long as may be necessary to properly correct the original copies of the minutes of the Journals, and deliver them to the Secretary of State, who will certify to the reception of the same.

Resolution read, and referred to Committee on Contingent Expenses.

COMMUNICATION.

The following communication was presented, and ordered printed in the Journal:

By Senator Bills:

Secretary A. L. Crane, of the Sacramento Chamber of Commerce, extends to the members of both houses of the Legislature and ladies an invitation to tour the Sacramento Valley on Sunday. The principal towns will be visited. A special Northern Electric train will leave Eighth and J streets, Sacramento, at 9 o'clock A. M. sharp. Stops will be made at Marysville, Oroville, and Chico. At Chico luncheon will be served, and the members will be taken in automobiles to the Diamond match factory at Hamilton. At Oroville, returning, the gold dredger districts will be visited in automobiles. Arrive in Sacramento 8 P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 1215 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen, and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia—report that we have met a like committee of the Assembly, consisting of Assemblymen Perine, Butler, and Melrose, and we report that the Committee on Free Conference agreed upon and recommend that the Assembly concur in the Senate amendments to said bill.

FINN,
BURNETT,
MILLER.

Committee on Free Conference.

Report read.

The question being upon the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bates, Bell, Burnett, Caminetti, Cartwright, Finn, Hartman, Hurd, Kennedy, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Estudillo asked for, and was granted, unanimous consent to have Assembly Bill No. 1331 taken up for consideration out of order.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Estudillo moved to refer to Senator McCartney as a special committee of one to amend, as follows:

By striking out of Section 3, page 5, line 35, of the printed bill, the word "shall", and inserting in lieu thereof the word "may".

Motion duly seconded.

The question being on the motion to refer.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Estudillo moved a call of the Senate.

Motion carried.

Time, five o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and one minute P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that the motion to refer was lost by the following vote:

AYES—Senators Bell, Bills, Estudillo, Holohan, Lewis, Price, Roseberry, Stetson, Thompson, Walker, and Weed—11.

NOES—Senators Burnett, Campbell, Cartwright, Curtin, Cutton, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, Miller, Reily, Rush, Sanford, Savage, Strobbridge, Wolfe, and Wright—20.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Miller moved a call of the Senate.

Motion duly seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Campbell, Curtin, Cutton, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, Miller, Rush, Sanford, Savage, Strobbridge, Walker, and Wright—17.

NOES—Senators Bates, Bell, Bills, Burnett, Estudillo, Holohan, Lewis, Price, Stetson, Weed, and Wolfe—11.

Time, five o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Bills, Burnett, Cammetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and twenty minutes P. M., Senator Anthony was brought to the bar of the Senate, and, on motion of Senator Miller, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and twenty-one minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Strobridge.

The roll of absentees was called.

SENATOR EXCUSED FROM VOTING.

Senator Willis asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 1331.

Whereupon the President announced that Assembly Bill No. 1331 finally passed by the following vote:

AYES—Senators Anthony, Caminetti, Campbell, Cartwright, Curtin, Cullen, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, Miller, Reily, Rush, Sanford, Savage, Strobridge, Walker, and Wright—22.

NOES—Senators Bates, Bell, Bills, Burnett, Holohan, Lewis, McCartney, Price, Roseberry, Stetson, Thompson, Weed, Welch, and Wolfe—14.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Estudillo gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1331 was this day finally passed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Weed:

WHEREAS, There is a deadlock in this Senate caused by the absence of Senator Black, who was excused on account of sickness and was found to be seriously ill by the Sergeant-at-Arms; and

WHEREAS, Certain newspapers have made it to appear that Senator Black is not now ill; therefore, be it

Resolved by the Senate of the State of California. That the President of the Senate be, and he is hereby, authorized to instruct the Sergeant-at-Arms to proceed at once to Palo Alto with a competent physician or physicians, to be named by the President of the Senate, who shall, in consultation with the physicians attending Senator Black, make a thorough and complete examination, for the purpose of ascertaining at what time it shall be safe for Senator Black to proceed to Sacramento to attend, as a member of the Senate, the thirty-eighth session of the California Legislature; and be it further

Resolved, That in the event that such examination results in disclosing a state of health wherein it will be safe for Senator Black to be present before eleven o'clock on Monday, then the Sergeant-at-Arms be instructed to bring him to Sacramento when able, and if necessary to secure an engine and coach for that purpose.

Resolution read.

The following substitute was offered:

By Senator Cartwright:

WHEREAS, The presence of Senator Black is necessary to the transaction of business of vital importance to the people of the State of California; be it

Resolved, That the President of the Senate be instructed to send a telegram to Senator Black urging his attendance at the earliest possible moment.

Substitute read.

The question being upon the adoption of the substitute.

The roll was called, and the substitute refused adoption by the following vote:

AYES—Senators Bell, Campbell, Cartwright, Curtin, Cullen, Holohan, Miller, Roseberry, Rush, Sanford, Stetson, and Thompson—12.

NOES—Senators Anthony, Bates, Bills, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Strobridge, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

The question now being upon the original resolution by Senator Wood.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Burnett, Caminetti, Cullen, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Savage, Strobbridge, Thompson, Walker, Wood, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Bell, Campbell, Holohan, Rush, and Stetson—5

ANNOUNCEMENT.

The President of the Senate announced that he had named Drs. John Gallwey and Howard Morrow to act in accordance with the terms of the above resolution.

MOTION.

Senator Strobbridge moved to amend the title to the Assembly Bill No. 1331 by striking out of the title of the same after the words "An Act," and inserting in lieu thereof the following:

To amend Sections 1, 6, and 16 of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation."

POINT OF ORDER.

Senator Stetson made the point of order that the bill had been passed, and an amendment to the title could be made only after reconsideration of the bill.

The President of the Senate declared the point of order well taken.

UNFINISHED BUSINESS.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1059?"

After the figure "2", in line 7, page 1, of the printed bill, insert the following: "The word 'stray' as used in this Act is intended to include all domestic animals that have strayed upon, or been found upon, lands other than those of their owner, or the public domain, or lands whose owner (or to which the person in possession thereof) has consented, may be passed over, or allowed to be entered on, by such animal."

Also:

Strike out the word "fifteen", in line 19, page 3, of the printed bill, and insert in lieu thereof the word "thirty".

And:

Strike out the word "five", in line 21, page 3, of the printed bill, and insert in lieu thereof the word "ten".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1059 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cullen, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Strobbridge, Thompson, Walker, Wood, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 1059 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1088?"

In line 11, of the title, insert the word "by" before the word "enlarging".

Also:

On page 3, line 19, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks".

Also:

On page 3, line 54, of printed bill, strike out the word "bank", and insert in lieu thereof the word "banks".

And:

On page 3, line 65, of printed bill, after the word "county", insert the words "or counties".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1088 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Caminetti, Curtin, Cutten, Holohan, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 1088 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 819?"

Strike out the words "not to exceed twenty-four hundred dollars", found in lines 10 and 11, Section 1, page 1, of the printed bill.

Also:

After the word "compensation", in line 10, Section 1, page 1, of the printed bill, insert the words "with the approval of the judge who impaneled the grand jury."

And:

Strike out all from the word "It", in line 13, Section 1, page 1, of the printed bill, down to and including the word "years", in line 23, Section 1, page 2, of the printed bill.

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 819 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Burnett, Cutten, Estudillo, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Roseberry, Stetson, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—21.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At six o'clock P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code of the State of California, as amended by an Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1224 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred *a*, and section twelve hundred three *b*, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 133?"

On page 4, line 12, of the printed bill, after the word "work", and before the word "or", insert the following: "or upon the completion of specified portions of the work."

Also:

On page 6, line 89, strike out the word "disturbed", and insert in lieu thereof the word "distributed".

And:

On page 11, line 114, of the printed bill, strike out the word "claim", and insert in lieu thereof the following: "claims".

The roll was called and the Senate concurred in the above Assembly amendments to Senate Bill No. 133 by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutton, Estudillo, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Roseberry, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 133 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1178 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 552—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 11—Maintaining without reduction the present tariff on wool imported into the United States from any foreign country.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Joint Resolution No. 11 ordered on file, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Also: Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Also: Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters, and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regu-

lation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers.

Also: Senate Bill No. 1152—An Act dedicating to public use for street purposes certain lands in the city of Los Angeles owned by the State of California.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Senate Bill No. 1191—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Committee Substitute for Senate Bill No. 813—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation hereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 969, 1077, 1219, 1152, 1155, 1174, and Committee Substitute for Senate Bill No. 813 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1249 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 34?"

Strike out the period in line 15, of Section 4, page 2, and insert in lieu thereof a semicolon.

And:

After the semicolon referred to in amendment No. 1 hereof insert the following: "provided, however, that the provisions of this Act and of Sections 2 and 6 hereof, and this section shall be subject to the following exception: Any person, firm, or corporation, which may be engaged in the business of embalming or undertaking, as herein mentioned at the time of the passage hereof shall be entitled to a permit or license without examination, upon satisfactory proof to said Board of Embalmers that such person, firm, or corporation has performed such work in the past in a satisfactory manner."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 34 by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutten Estudillo, Hurd, Leavitt, Lewis, McCartney, Price, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 34 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 166?"

Strike out the period following the word "system", in fourth line of title, and add the following: "for the Preston School of Industry."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 166 by the following vote:

AYES—Senators Bates, Bell, Bills, Bennett, Caminetti, Curtin, Cutton, Estudillo, Hurd, Leavitt, Lewis, McCartney, Price, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 166 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted report of Free Conference Committee on Assembly Bill No. 167—An Act to amend Sections 1908, 1917, and 1923 of the Political Code of California, all relating to the enrolled militia.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for, and was granted, unanimous consent to have Assembly Bill No. 428 taken up for consideration out of order.

Assembly Bill No. 428—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro," approved March 19, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 428 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Bennett, Caminetti, Curtin, Cutton, Estudillo, Hurd, Leavitt, Lewis, McCartney, Price, Savage, Stetson, Thompson, Weed, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At six o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to take up Assembly Bill No. 574 for consideration out of order.

Assembly Bill No. 574—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated

local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city and town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act." approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 574 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Holohan, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 1432—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections, numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Made case of urgency on previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1432 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Curtin, Cutten, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Caminetti moved that each Senator be permitted to have a bill taken up for consideration, as his name is called in alphabetical order.

Motion carried.

Assembly Bill No. 815—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 815 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 1243—An Act to amend Sections 3746 and 3756 of the Political Code of the State of California, relating to the publication of notice by the tax collector of the time when taxes become due, and when unpaid taxes become delinquent, and to the penalty on delinquent taxes.

Made case of urgency on previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1243 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Cullen, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Price, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1351—An Act providing for the formation of Yolo Basin Drainage District, and providing for its management.

Read third time previously this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1351 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Cartwright, Curtin, Cullen, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Sanford, Stetson, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Savage was, on his own motion, granted leave of absence for the day.

CASE OF URGENCY.

Assembly Bill No. 918—An Act to amend "An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State," approved March 23, 1893.

Made case of urgency on previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Cartwright, Curtin, Cullen, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 673—An Act to amend Article XVI of the Political Code in regard to county boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 673 finally passed by the following vote:

AYES—Senators Bates, Bills, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Sanford, Stetson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1416—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 419b.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1416 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Sanford, Stetson, Strobidge, Walker, Welch, Willis, and Wright—26.

NOES—Senator Wolfe—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1416 was this day finally passed.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of members of said commission, to be known as "The Commissioners for the Revision and Reform of Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895," and to appropriate money therefor," approved March 25, 1903, by amending section seven thereof.

Read third time.

On motion of Senator Cutten, Senate Bill No. 736 was temporarily passed on file, to retain its place.

ASSEMBLY JOINT RESOLUTION No. 11.

Relating to maintaining without reduction the present tariff on wool imported into the United States from any foreign countries.

WHEREAS, The growing of wool is one of the leading industries of the State of California, a large portion of the area of which is made up of lands suitable for the grazing of sheep:

WHEREAS, The wool grown in California can not compete in price with wool imported from certain foreign countries:

WHEREAS, Any reduction by Congress from the present tariff on wool would

greater extent the industries of every mining and coal province in the United States.

Resolved, That the Senate and Assembly in the Senate of California, request That the President urge the Congress of the United States to institute a United States tariff on the mining work in those countries into the United States from any foreign country, by its further.

Resolved, That the Senators in Congress be instructed, and our Representatives requested, to use all honorable means to carry out the foregoing recommendation and request, as it further.

Resolved, That the members of California be and be is hereby, directed to transmit a printed copy of these resolutions to the President and Senate, respectively, of the Senate and House of Representatives and to each of our Senators and Representatives in Congress.

Assembly Joint Resolution

On motion of Senator Cattie, Assembly Joint Resolution No. 12 was temporarily passed on file, to retain its place.

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor, approved March 28, 1895," approved March 25, 1900, as amending Section 7 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries, when and from whom they may ask advice, and who may be present at the sessions of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 221 finally passed by the following vote:

Ayes—Senators Bates, Bell, Ellis, Bennett, Cawright, Cattie, Edwards, Harrison, Hart, Lamm, Lewis, McCreary, McCreary, Pross, Kelly, Ross, Thompson, Wicks, Wood, Wills, Willis, White, and Wright, 25.

Noes—Senators Cawright, Cattie, Hart, Houston, Kennedy, Rosberry, Sanford, Stevens, and Stenslie, 9.

Title read and approved.

NOTICES OF MOTION TO RECONSIDER

Senator Price gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 221 was this day finally passed.

Committee Substitute for Senate Bill No. 1214—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amend-

ments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1213 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cullen, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Sanford, Thompson, Walker, Weed, Willis, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CURTIN IN THE CHAIR.

At nine o'clock and twenty-five minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Assembly Bill No. 281—An Act to amend Section 784 of the Code of Civil Procedure, relating to sales in actions in partition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cullen, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Weed, Welch, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 133—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester, and relating to their duties and term of office.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1023—An Act to amend Sections 10, 15, 16, 16a, 16d, 16c, 16c, 19, 20, and 28, and to add a new section thereto, to be numbered Section 17, and to repeal Sections 17, 18, 21, 24, 25, 27, 29, and 31, and to renumber the sections so that they may follow consecutively, of an Act entitled "An Act to establish a school for the discipline, education, reformation, and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved

March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Hare, Hartman, Holohan, Hurd, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 finally passed by the following vote:

AYES—Senators Bates, Bills, Burnett, Caminetti, Curtin, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—Senators Bell, Cartwright, Cutten, Hare, Holohan, Kennedy, Roseberry Sanford, Stetson, and Strobridge—10.

Title read and approved.

Also:

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 222 was this day finally passed.

Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 223 finally passed by the following vote:

AYES—Senators Bates, Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Reily, Roseberry, Rush, Thompson, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—Senators Bell, Cartwright, Hare, Holohan, Kennedy, Sanford, Stetson, Strobridge, and Walker—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Cutten gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 223 was this day finally passed.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1450—An Act to amend

Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 1450 read first time, and ordered on file without reference to committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered, out of order.

By Senator Leavitt:

Resolved, That Assembly Bill No. 1450 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1450—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporters, and stenographers in the Attorney General's office, and fixing their salaries.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1450 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Finn, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Assembly Bill No. 838—An Act to appropriate one thousand dollars for the erection of a monument in St. Mary's Cemetery, in the city of Oakland, county of Alameda, State of California, to the memory of Honorable John J. Burke, and appointing a commission to carry out the provisions thereof.

Made case of urgency on previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 finally passed by the following vote:

AYES—Senators Bates, Bills, Burnett, Caminetti, Curtin, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 1214—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof, and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1214 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Burnett, Caminetti, Curtin, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 571—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 571 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reilly, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Weed, Assembly Bill No. 1008 was ordered withdrawn from the file, and ordered referred to Committee on Finance.

CONSIDERATION OF BILLS OUT OF ORDER—RESUMED.

CASE OF URGENCY.

Assembly Bill No. 945—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1907, amendment approved March 15, 1901,

by adding thereto and providing therein for a new district to be known as Agricultural District No. 46, composed of the county of Imperial.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 945 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Curtin, Cutten, Estudillo, Finn, Hare, Kennedy, Leavitt, Miller, Price, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

Bill read second time, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Senator Leavitt asked for, and was granted, unanimous consent to withdraw his notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1416 was this day finally passed.

Assembly Bill No. 1416 ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 670—An Act to amend Section 1617 of Article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts, and of boards of education in cities, by changing the provisions of certain sections, by adding new sections, and by renumbering certain sections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Holohan, Kennedy, Lewis, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 989—An Act to amend Section 925 of the Penal Code, relating to grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 989 passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Hare, Holohan, Lewis, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, and Wolfe—21.

NOES—Senators Finn and Hartman—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 989 was this day finally passed.

Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 finally passed by the following vote:

AYES—Senators Bates, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Finn, Hare, Hartman, Kennedy, Lewis, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Assembly Bills Nos. 64, 65, and 66—An Act to amend Sections 353, 1425, 1427 of the Political Code, all relating to Regents of the University of California.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bills Nos. 64, 65, and 66 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Hare, Hurd, Kennedy, Lewis, Price, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509—An Act to provide for the use of the credit of the State of California, for the establishment of a currency or an exchange medium.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 509 refused passage by the following vote:

AYES—None.

NOES—Senators Bates, Bell, Bills, Burnett, Curtin, Cutten, Estudillo, Finn, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Price, Reilly, Roseberry, Rush, Stetson, Thompson, Weed, Wolfe, and Wright—23.

Assembly Bill No. 1285—An Act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices' or police courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1285 finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Price, Reilly, Rush, Stetson, Thompson, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Hurd, Senate Bill No. 507 was ordered withdrawn from the file, and ordered re-referred to Committee on Judiciary.

CONSIDERATION OF BILLS—OUT OF ORDER—(RESUMED).

Assembly Bill No. 1369—An Act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as Newtown Jetties, making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1369 finally passed by the following vote:

AYES—Senators Bell, Bills, Burnett, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, McCartney, Price, Reily, Rush, Sanford, Stetson, Thompson, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1029—An Act to add a new section to the Penal Code, to be numbered Section 4131₂, relating to sparring exhibitions and prize fights.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stetson.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 1029 finally passed by the following vote:

AYES—Senators Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—22.

NOES—Senators Hartman and Reily—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1354—An Act to provide for separate sewer districts within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1354 finally passed by the following vote:

AYES—Senators Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Kennedy, Leavitt, Lewis, McCartney, Price, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION NO. 19.

Resolved by the Senate, the Assembly concurring, That after 12 o'clock midnight of this 20th day of March, 1909, that the Senate will consider only Assembly bills and the Assembly will consider only Senate bills, provided that either body may concur in amendments of the other body to bills and also may act upon reports of conference and free conference committees.

Senate concurrent resolution read.

During the reading of the Senate concurrent resolution the following amendment was offered by Senator Caminetti:

Strike out of line 2, page 1, the words and figures following: "12 o'clock midnight of this 20th day", and insert in lieu thereof the words and figures following: "3 o'clock P. M. of the 22d."

Amendment read and adopted.

Senate concurrent resolution ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 19.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1035—An Act to add a new section to the Penal Code, to be numbered 626, to prohibit the hunting of ducks in sneak, decoy, or sculling boats—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

WELCH, Chairman.

Assembly Bill No. 1035 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 321—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, or governor of any state or territory, any United States justice or judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor," approved February 28, 1903.

Also: Assembly Bill No. 322—An Act to amend Section 183 of the Penal Code of the State of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, or governor of any

state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, and providing a penalty therefor.

Also: Assembly Bill No. 323—An Act to add a new section to the Penal Code of the State of California, to be known as Section 186, making an attempt to kill or commit any assault upon the President or Vice-President of the United States, the governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Assembly Bill No. 324—An Act to repeal an Act entitled "An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate," approved March 20, 1905.

Also: Assembly Bill No. 325—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1060, relating to bonds of receivers, assignees, trustees, guardians, administrators, and executors against trust estates.

Also: Assembly Bill No. 326—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

Also: Assembly Bill No. 327—An Act to add a new section to the Political Code of the State of California, to be known as Section 2329, relating to forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employees of State institutions.

Also: Assembly Bill No. 330—An Act to add a new section to the Penal Code of the State of California, to be known as Section 79, relating to school officers and teachers acting as agents.

Also: Assembly Bill No. 331—An Act to add a new section to the Penal Code of the State of California, to be known as Section 78, relating to the prevention of irregular issuance of teachers' certificates.

Also: Assembly Bill No. 332—An Act to add a new section to the Penal Code of the State of California, known as Section 422, relating to disturbing schools or school meetings.

Also: Assembly Bill No. 333—An Act to repeal Sections 1868, 1869, and 1870 of the Political Code of the State of California.

Also: Assembly Bill No. 334—An Act to repeal an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872.

Also: Assembly Bill No. 340—An Act to add a new section to the Penal Code of the State of California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 341—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Also: Assembly Bill No. 342—An Act to repeal an Act entitled "An Act to provide for the registration of bonds issued by common school, high school, or union high school districts," approved March 18, 1905.

Also: Assembly Bill No. 343—An Act to add two new sections to the Political Code of the State of California, to be known as Sections 1893 and 1894, providing for the registration of bonds issued by common school, high school, or union high school districts.

Also: Assembly Bill No. 344—An Act to repeal an Act entitled "An Act to prohibit the collection of accounts for liquors sold at retail," approved March 20, 1874.

Also: Assembly Bill No. 345—An Act to add a new section to the Civil Code of the State of California, to be known as section thirty-four hundred and thirty-four, relating to the collection of accounts for liquors sold at retail.

Also: Assembly Bill No. 346—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire," approved March 10, 1891.

Also: Assembly Bill No. 347—An Act to add a new section to the Political Code of the State of California, to be known as Section 3236, relating to insurance on public buildings.

Also: Assembly Bill No. 348—An Act to repeal an Act entitled "An Act to declare valid writs, process, and certificates issued by the Superior Court of this State, or the clerks thereof, before such courts shall have been legally provided with seals," approved March 31, 1880.

Also: Assembly Bill No. 349—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 80, relating to the validity of writs, process and certificates issued by the Superior Courts or the clerks thereof, before such courts shall have been legally provided with seals.

Also: Assembly Bill No. 350—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for State lands where fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Also: Assembly Bill No. 351—An Act to add a new section to the Political Code of the State of California, to be known as Section 3575, relating to forfeiture of title to lands sold by the State.

Also: Assembly Bill No. 353—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Also: Assembly Bill No. 354—An Act to add a new section to the Penal Code of the State of California, to be known as six hundred and fifty-three e, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 355—An Act to repeal an Act entitled "An Act to provide for the change of name of school districts, and the manner of making such change," approved March 16, 1903.

Also: Assembly Bill No. 356—An Act to add a new section to the Political Code of the State of California, to be known as Section 1575a, providing for the change of name of school districts, and the manner of making such change.

Also: Assembly Bill No. 357—An Act to repeal an Act entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings," approved March 13, 1883.

Also: Assembly Bill No. 358—An Act to add a new section to the Political Code of the State of California, to be known as Section 1892, providing for moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Also: Assembly Bill No. 359—An Act to add a new section to the Political Code of the State of California, to be known as Section 1221, relating to the markings of Government survey.

Also: Assembly Bill No. 360—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey," approved March 18, 1905.

Have had the same under consideration, and respectfully report the same back, with the recommendation that same do pass.

WILLIS, Chairman.

Assembly Bills Nos. 321, 322, 323, 324, 325, 326, 327, 330, 331, 332, 333, 334, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 353, 354, 355, 356, 357, 358, 359, and 360 ordered on file for second reading.

(CONSIDERATION OF BILLS—OUT OF ORDER—RESUMED).

SENATE CONCURRENT RESOLUTION NO. 18.

Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms, etc.

WHEREAS, The Senate and Assembly chambers and the Senate and Assembly committee rooms in the State Capitol, at Sacramento, are not properly ventilated; and

WHEREAS, The absence of pure air in said chambers and committee rooms is detrimental to the health and impairs the efficiency of the work of the members of the Senate and Assembly and the attachés thereof, who are compelled to work for many hours each day therein; and

WHEREAS, Hon. Nathaniel Ellery, State Engineer of the State of California, states that the Senate Chamber, the Assembly Chamber, and the committee rooms, of the Senate and Assembly on the fourth floor of the Capitol building, together with the halls of said fourth floor, and the post office rooms, the filing rooms and the Sergeant-at-Arms rooms, both of the Senate and Assembly, together with the office of the Speaker of the Assembly, can be properly ventilated and a proper system of heating and ventilating said chambers, rooms and halls, can be made and installed therein for the sum of \$4,500; therefore, be it

Resolved, That the sum of forty-five hundred (\$4500) dollars be and the same is hereby appropriated from the contingent funds of the Senate and Assembly, one half to be drawn from each of said contingent funds, to pay for the construction and installment by the State Engineer of a proper heating and ventilating system or arrangement of ventilation and heating for said Senate and Assembly chambers and the committee rooms of the Senate and Assembly, on the fourth floor of the Capitol building, together with the halls on said floor and also the post office rooms, the bill-filing rooms, the Sergeant-at-Arms rooms, and the hat rooms both of the Senate and Assembly, together with the office of the Speaker of the Assembly, all situated in the State Capitol, at Sacramento, to be installed and in operation prior to the beginning of the thirty-ninth session of the California Legislature, in January, 1911, and the Controller is hereby directed to draw his warrant on the State Treasurer for said sum, or so much thereof as may be necessary, upon presentation by the State

Engineer of such claims for said work as may be approved by the State Board of Examiners.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Senate Concurrent Resolution No. 18 considered engrossed, and ordered transmitted to the Assembly.

Assembly Bill No. 1286—An Act to add a new section to the Code of Civil Procedure of California, to be known as section nine hundred and seventy-eight *a*, relating to the undertaking on appeal from judgments of justices' or police courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1286 finally passed by the following vote:

AYES—Senators Bills, Burnett, Caminetti, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Hare asked for, and was granted, unanimous consent to withdraw Senate Bills Nos. 1175 and 887.

Senate Bill No. 1175—An Act to amend the Penal Code of the State of California, by amending Section 382 thereof, relative to the adulteration of foods.

Senate Bill No. 887—An Act to prevent the use of paranzella or drag-net in the waters of this State.

Senate Bills Nos. 1175 and 887 withdrawn, and ordered stricken from the file.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned until Monday, March 22, 1909, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, March 22, 1909.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Stobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 20, 1909, the further reading was dispensed with, on motion of Senator Estudillo.

MOTION.

Senator Leavitt moved that the Senate take a recess until two o'clock P. M. this day, and that all special orders be postponed until that hour.

Motion carried.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

APPROVAL OF THE JOURNALS.

The Journals of Monday, March 8, Tuesday, March 9, Wednesday, March 10, Thursday, March 11, and Friday, March 12, 1909, having been corrected, were read and approved.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INTRODUCTION OF BILLS.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Introduction of Bills, to whom was referred two bills by Senator Caminetti, viz: An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Also: An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Have had the same under consideration, and respectfully report the same back, and recommend that the provisions of the Constitution be complied with, and that Senator Caminetti be permitted to introduce the same.

LEAVITT, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Caminetti be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Caminetti: Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Bill read first time, and ordered on file without reference to committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered out of order:

By Committee on Introduction of Bills:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fortieth day of the session, without the consent of three fourths of the members thereof, be complied with, and that Senator Caminetti be and he is permitted to introduce one bill.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutton, Estudillo, Finn, Hare, Hartmann, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced:

By Senator Caminetti: Senate Bill No. 1254—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Bill read first time, and ordered on file without reference to committee.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Kennedy:

Resolved, That the Controller of the State be, and he is hereby, directed to draw his warrants, and the Treasurer of the State is directed to pay the same out of the contingent fund of the Senate, in favor of R. D. Barton, assistant at the desk, for the sum of \$100.00; H. P. Travers, Assistant Secretary, for the sum of \$100.00; E. C. Pollard, for the sum of \$100.00; Samuel Wacholder, for the sum of \$100.00, and W. N. Cuming, for the sum of \$100.00, for necessary work to be performed by them in completing the records of the Senate, and preparing the same for delivery as required by law, and performing other necessary services in bringing to a close the work of their department.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Miller :

WHEREAS, On yesterday the members and attachés of both the Senate and Assembly, as the invited guests of the Chamber of Commerce of the city of Sacramento, were taken on a special train over the Northern Electric line to the cities of Chico and Oroville, and at Chico were dined and otherwise hospitably entertained by the citizens of both Oroville and Chico, and which trip afforded us an opportunity to view the country between Sacramento and Chico—an undeveloped empire—to the intense interest and benefit of the members of this Legislature; therefore, be it

Resolved, That the Senate of the State of California expresses its cordial appreciation of the hospitality and courtesies extended by the Chamber of Commerce of the city of Sacramento and the citizens of Chico and Oroville; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Senate to the secretary of the Chamber of Commerce of the city of Sacramento, and to the mayors of Chico and Oroville.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 1258—An Act to amend sections thirty-four hundred and forty-six, thirty four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-nine, thirty-four hundred and sixty-three, thirty-four hundred and sixty-four, thirty-four hundred and sixty-seven, thirty-four hundred and seventy, thirty-four hundred and seventy-one, thirty-four hundred and seventy-four, thirty-four hundred and seventy-six, thirty-four hundred and eighty-one, thirty-four hundred and ninety-one of the Political Code of the State of California, relating to reclamation districts—have had the same under consideration, and respectfully report the same back, without recommendation.

WALKER, Chairman.

Assembly Bill No. 1258 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 638—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape, and to amend Section 264 of the Penal Code of the State of California, regarding the punishment for the crime of rape—have had the same under consideration, and respectfully report the same back, without recommendation.

WILLIS, Chairman.

Assembly Bill No. 638 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 773—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment, and making an appropriation for the purpose of the Act.

Also: Senate Bill No. 888—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 994—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8, and 9, in relation to the issuing of bonds, and by amending Section 11 thereof in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twentieth day of March, nineteen hundred and nine, at four o'clock P. M.

STROBRIDGE, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion to reconsider the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3, the same was taken up for consideration.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby the Senate refused to concur in Assembly amendment to Senate Bill No. 3 be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 2, Section 2, of the printed bill, strike out all of lines 7, 8, and 9, and insert in lieu thereof the following: "Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however,* that the vote for candidates for United States Senator shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts, in the respective parties."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt,

Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and forty-five minutes P. M., Senator Anthony was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—Senators Bates, Bills, Burnett, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—20.

NOES—Senators Anthony, Bell, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Stetson, Strobbridge, Thompson, and Walker—18.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Miller, granted leave of absence for this day.

MOTION.

Senator Walker moved that Assembly amendments Nos. 2, 3, 4, 5, and 6 to Senate Bill No. 3 be voted upon by one roll call.

The motion was duly seconded.

Senator Wolfe moved to amend to the effect that all the remaining Assembly amendments to Senate Bill No. 3 be voted upon by one roll call.

The motion was duly seconded.

Senator Curtin moved as a substitute that Assembly amendments Nos. 2, 3, 4, 5, 6, and 17 to Senate Bill No. 3 be voted upon by one roll call.

Senator Stetson demanded that the question be divided.

POINT OF ORDER.

Senator Stetson made the point of order that, on demand of any Senator, the question must be divided.

The President of the Senate declared the point of order well taken, and ordered that the Assembly amendments to Senate Bill No. 3 be considered singly.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On pages 6 and 7, of the printed bill, strike out all of lines 106 to 136, inclusive.

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Hol-

han, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 7, Section 5, line 138, of the printed bill, strike out the words "or for United States Senator".

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 7, Section 5, line 142, of the printed bill, after the word "State.", insert the following: "The petition of a candidate for United States Senator shall be signed by the candidate himself."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 23, Section 23, line 41, of the printed bill, after the word "thereof", strike out the period, and insert in lieu thereof the following: "showing the vote cast for said officer in each party in each Assembly and Senatorial district."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 23, Section 23, line 47, of the printed bill, after the word "Legislature" strike out the following: ".", together with his official certificates", and insert in lieu thereof a "period"; also strike out all of lines 48, 49, and 50.

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price,

Reilly, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 1. of the printed bill, strike out all of title after the words "An Act", and insert in lieu thereof the following: "to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stetson moved a call of the Senate.

Motion seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, and Walker—20.

NOES—Senators Bates, Bills, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—19.

Time, three o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and sixteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, and Walker—20.

NOES—Senators Bates, Bills, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—19.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 3?"

On page 25, Section 24, line 38, of the printed bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention".

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 3 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Burnett, Miller, Roseberry, Stetson, Strobridge, Thompson, and Walker—10.

NOES—Senators Bates, Bills, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—20.

Senator Leavitt moved that the Senate vote on all remaining Assembly amendments to Senate Bill No. 3 by one roll call.

Motion unanimously carried.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 3?"

On page 25, Section 24, line 49, of the printed bill, strike out the word "posted", and insert in lieu thereof the word "pasted".

Also:

On page 25, Section 24, line 52-55, of the printed bill, after the word "county" strike out the period, and insert the word "convention".

Also:

On page 27, Section 27, line 18, of the printed bill, strike out the words "justice or judge of the superior".

Also:

On page 27, Section 28, lines 5 and 6, of the printed bill, strike out the words "justice or judge of the superior."

Also:

On page 14, Section 12, line 100, of the printed bill, strike out the words "county committeemen," and insert in lieu thereof the following: "delegates to county conventions."

Also:

On page 11, Section 12, line 12, of the printed bill, insert after the word "election", at the end of the line, a period.

Also:

On page 28, Section 31, line 6, of the printed bill, strike out the word "promises", and insert in lieu thereof the word "promised".

Also:

On page 9, Section 7, line 8, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "office".

And:

After line 33, of Section 5, page 4, of the printed bill, insert as follows, viz: "To this paper shall be annexed a certificate by the candidate named in said nomination paper in substantially the following form:

STATE OF CALIFORNIA, }
County of.....} ss.

I, the undersigned, the candidate named in said nomination paper, do solemnly affirm that I accept the said nomination as a and that I hereby pledge myself as a to abide by and carry into effect in spirit as well as letter the principles enunciated by the last state convention of the party held in California, and by the last national convention of the party.

Signed,
Residence,

Dated day of, 19...."

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 3 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Holohan, Miller, Roseberry, Rush, Sanford, Stetson, Strobridge, Thompson, and Walker—20.

NOES—Senators Bates, Bills, Finn, Hare, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—19.

Senate Bill No. 3 ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

Resolved, That Senate Bills Nos. 1253 and 1254 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, McCartney, Miller, Reily, Rush, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—29.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1253 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Stetson, Thompson, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senate Bill No. 1254—An Act to amend Section 4268 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1254 passed by the following vote:

AYES—Senators Anthony, Bates, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Holohan, Hurd, Kennedy, McCartney, Roseberry, Rush, Sanford, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

Resolved, That the State Printer be, and he is hereby, directed to print five thousand copies of Senate Constitutional Amendment No. 1, and deliver the same to the Secretary of State for public use and distribution.

Resolution read and adopted.

Also:

By Senator Wright:

Resolved by the Senate of the State of California, That the State Printer be, and he is hereby, instructed to print ten thousand indexed copies of Senate Bill No. 294, relating to Railroad Commissioners; and further be it

Resolved, That the Secretary of State be, and he is hereby, authorized to receive the same when printed for public distribution.

Resolution read and adopted.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for, and was granted, unanimous consent to have Senate Bill No. 1136 taken up for consideration out of order.

Senate Bill No. 1136—An Act to amend Section 172 of the Penal

Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Cullen, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and fifty minutes P. M., Senator Stetson was brought to the bar of the Senate, and, on motion of Senator Boynton, he was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifty-six minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 1136 was refused passage by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Campbell, Cartwright, Cullen, Estudillo, Holohan, Miller, Roseberry, Sanford, Stetson, Thompson, Walker, and Wright—15.

NOES—Senator Anthony, Bates, Bills, Burnett, Caminetti, Curtin, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reily, Savage, Strobbridge, Weed, Welch, Willis, and Wolfe—21.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 544—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fireproof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory, and for astronomical photographs.

Also: Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 544?"

On page 1, of the printed bill, amend the title so that the same shall read as follows: "An Act making an appropriation of nine thousand dollars for the con-

struction and installation of a tank at the Lick Observatory, in the county of Santa Clara, for making photographic copies of the principal astronomical photographs at said observatory, and for additional equipment for said observatory".

Also:

On page 1, Section 1, lines 1 and 2, of the printed bill, strike out the words and figures "nineteen thousand dollars (\$19,000)", and insert in lieu thereof the following: "nine thousand dollars".

Also:

On page 1, Section 1, of the printed bill, strike out everything from and including the word "provide", in line 3, to and including the word "county", in line 8, and insert in lieu thereof the following: "be expended by the Regents of the University of California for the construction and installation of a tank at the Lick Observatory, in the county of Santa Clara, in this State, with an approximate capacity of one hundred and forty-four thousand gallons of water; for making eight sets of photographic copies on glass of the most important astronomical photographs of the Lick Observatory, to be deposited with eight (8) leading academies of science in eight (8) of the leading countries of the world, that these photographs may be available for measurement and study by all qualified students of the subject; for a stereocomparator; for a precision bench lathe in the instrument-making shop; and for additions to the library and to the scientific equipment of the Lick Observatory.

And:

On page 2, Section 2, line 3, of the printed bill, strike out the word "treasurer", and insert in lieu thereof the word "Regents".

In the absence of the author, further consideration of the above question was postponed, and Senate Bill No. 544 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 816?"

Amend by inserting in Section 1, page 1, line 6a, before the words "to the assistant secretaries", the following: "to one assistant secretary, who shall be clerk of the Committee on Printing, nine dollars per day".

And:

Amend by inserting in Section 1, page 2, line 24, before the words "to the", at the end of the line, the following: "to one assistant clerk, who shall be clerk of the Committee on Public Printing, nine dollars per day."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 816 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Caminetti, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reilly, Roseberry, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, and Wright—29.

NOES—None.

Senate Bill No. 816 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 87—An Act to amend Section 330 of the Penal Code, relating to gambling.

Also: Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary, and term of office, and to make an appropriation for the expenses of his office.

Also: Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages, and expenses thereof upon the property benefited thereby.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Bill No. 87 read first time, and ordered referred to Committee on Public Morals.

Senate Bills Nos. 334 and 1174 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and this day passed as amended, Senate Bill No. 1146—An Act to pre-

vent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Also: Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1217?"

In line 11, Section 1, of the printed bill, strike out the word "twenty-one", and insert in lieu thereof the word "fifteen".

On motion of Senator McCartney, further consideration of the question was postponed, and Senate Bill No. 1217 ordered on file as unfinished business.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1146?"

On lines 1, 2, and 3, Section 2, page 1, of printed bill, strike out the following: "unless at a distance sufficiently great from any city and county or town in this State", and insert in lieu thereof the following: "in this State except in such a manner".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 1146 by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Burnett, Caminetti, Campbell, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 1146 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 242—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish, and maintain ferries across such rivers or streams, and to pay the expenses thereof.

Also: Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings, and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army and Navy, and wives of such soldiers, sailors, and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Also: Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 242, 978, 823, and 1247 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 108—An Act making an appropriation for

fencing at the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 214—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof: to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Also: Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Also: Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant: for the purchase and installation in said building of a cold storage and ice plant: for repairs to the present kitchen at said home: and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Also: Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the county of San Diego: to create a sinking fund for the payment of said bonds: to define the duties of State officers in relation thereto: to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 1030—An Act to amend Section 594 of the Political Code, classifying insurance business, and specifying required capital stock and available cash assets.

Also: Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California and his family, in the State Capitol grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission, and also making an appropriation for the purposes of this Act.

Also: Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Also: Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor," approved March 11, 1907.

Also: Senate Bill No. 1203—An Act appropriating the sum of five thousand dollars (\$5,000.00) for the purposes of repairing the greenhouse, walks, and grounds of the State Capitol at Sacramento.

Also: Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Also: Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the mission of St. Francis de Solano, situated at Sonoma, California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 108, 161, 214, 219, 446, 447, 464, 1030, 1067, 1068, 1171, 1202, 1204, and 1240 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 18—Relative to granting

leave to certain members of the Assembly to leave the State for a period of more than sixty days.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Assembly Concurrent Resolution No. 18 ordered on file, without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 18 taken up for consideration out of order.

ASSEMBLY CONCURRENT RESOLUTION No. 18.

Relative to granting leave to certain members of the Assembly to leave the State for a period of more than sixty days.

Resolved by the Assembly, the Senate concurring. That leave of absence from the State for a period longer than sixty days is hereby granted to the following assemblymen: Grove L. Johnson, Richard Melrose, Prescott F. Cogswell, E. C. Hinkle, W. J. Hanlon, S. Fleisher, H. E. Holmquist, J. B. Maher, George M. Perino, C. W. Wagner, John Rech, W. R. Leeds, Harry Barndollar, W. J. Costar, J. L. Mendenhall, J. P. Trausue, P. A. Stanton, J. J. McManus, R. L. Beardslee, J. W. McClellan, H. W. Pulcifer, E. L. Hawk, J. W. Flavell, W. C. Pugh, E. J. Callan, George Hans, C. C. Young, P. V. Hammon, G. L. Sackett, P. H. Johnson, F. M. Rutherford, P. A. Johnson, R. L. Telfer, K. C. Gillis, A. M. Dean, F. C. Gerdes, G. W. Wyllie, W. W. Greer, N. C. Coghlan, W. R. Flint, F. Otis, M. L. Schmitt, E. I. Butler.

Assembly concurrent resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Anthony, Bell, Bills, Birdsall, Boynton, Burnett, Campbell, Cartwright, Cutten, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Reily, Roseberry, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, Willis, and Wolfe—30.

NOES—None.

Assembly Concurrent Resolution No. 18 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day asks your honorable body to return Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered "section twelve hundred a," and "section twelve hundred three b," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 133 ordered transmitted to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1225 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application, and providing for the filing of additional applications—and respectfully ask that the amendment be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 999?"

On page 2, Section 1, line 16, of the printed bill, after the word "contained", strike out the words "or by reason of any judgment of court in favor of another applicant".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 999 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Finn, Hare, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Senate Bill No. 999 ordered to enrollment.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 19 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 19.

Resolved by the Senate, the Assembly concurring. That after three o'clock p. m. of the 22d day of March, 1909, the Senate will consider only Assembly bills, and the Assembly will consider only Senate bills; *provided*, that either body may concur in amendments of the other body to bills, and also may act upon reports of conference and free conference committees.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Estudillo, Hare, Hartman, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Miller, Reilly, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, and Wolfe—26.

NOES—None.

Senate Concurrent Resolution No. 19 considered engrossed, and ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—OUT OF ORDER—(RESUMED).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 154—An Act to provide for an exposition building at Los Angeles, in Agricultural Park, for the use of all of the counties of this State, for the purpose of maintaining permanent exhibits therein at the resources of the different counties, and to make an appropriation for the construction of said exposition building.

Also: Assembly Bill No. 167—An Act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

Also: Assembly Bill No. 231—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 1183a, relating to liens.

Also: Assembly Bill No. 673—An Act to amend Article XVI of the Political Code, in regard to county boards of education.

Also: Assembly Bill No. 919—An Act to create a reclamation district to be called American River Reclamation District Number 1, and providing for the control and management thereof.

Also: Assembly Bill No. 428—An Act to amend an Act entitled an Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington, and bay of San Pedro, approved March 19, 1889.

Also: Assembly Bill No. 1233—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Assembly Bill No. 1407—An Act appropriating money to pay the claim of B. A. Palmer against the State of California.

Also: Assembly Bill No. 815—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

Also: Assembly Bill No. 1351—An Act to create a drainage district, to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district.

Also: Assembly Bill No. 629—An Act entitled "An Act to amend Section 1880 of Article XXI of the Political Code by increasing the purposes for which school bonds may be voted."

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Also: Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Also: Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Also: Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Also: Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Also: Senate Bill No. 1116—An Act to amend Section 417 of the Political Code of the State of California.

Also: Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Also: Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.

Also: Senate Bill No. 1009—An Act to provide for the parole of prisoners confined in county jails and city prisons, and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.

Also: Senate Bill No. 1173—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending widening, or straightening of public streets, squares, lanes, alleys, courts, and places within municipalities; to the appointment, powers, duties, and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees, to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.

Also: Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing

up, in whole or in part, any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose." approved March 6, 1889.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Senate Bills Nos. 1111, 1112, 1113, 1114, 1115, 1116, 467, 525, 1009, 1173, and 1238 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Also: Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Also: Senate Bill No. 608—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Also: Senate Bill No. 609—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaints.

Also: Senate Bill No. 610—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies.

Also Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Also: Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Also: Senate Bill No. 859—An Act to amend Section 1265 of the Code of Civil Procedure of the State of California, relating to the tenure by which homestead is held.

Also: Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Also: Senate Bill No. 861—An Act to amend section three hundred a of the Civil Code of the State of California, relating to corporations.

Also: Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Also: Senate Bill No. 868—An Act to repeal section 1392 of the Civil Code of the State of California.

Also: Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Also: Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Also: Senate Bill No. 1117—An Act to amend Section 397 of the Political Code of the State of California.

Also: Senate Bill No. 1122—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Also: Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

Also: Adopted on March 20, Senate Constitutional Amendment No. 38—Relative to formation of new counties.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

Senate Bills Nos. 605, 606, 608, 609, 610, 620, 622, 859, 860, 861, 866, 868, 869, 1110, 1117, 1122, 1177, and Senate Constitutional Amendment No. 38 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns Senate Bill No. 133 to your honorable body.

Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred a, and

section twelve hundred three b, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanic's liens.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 133 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Concurrent Resolution No. 16—Relative to the encouragement of the viticultural industry of the State of California.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 16?"

Strike out all of lines 16, 17, 18, 19, 20, and 21, and the letters "nia", in line 22.

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Concurrent Resolution No. 16 by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Burnett, Cullen, Estudillo, Finn, Hare, Hartman, Martinelli, McCartney, Price, Rush, Savage, Strohbridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Concurrent Resolution No. 16 ordered to enrollment.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 20 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 20.

Relative to the consent of the Legislature to the absence of His Excellency Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that His Excellency Hon. James N. Gillett, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence, taken together, do not exceed in any one calendar year a period of four (4) months.

Senate concurrent resolution read.

During the reading of the Senate concurrent resolution, the following amendments were offered by Senator Wolfe:

On line 4, after the word "California", insert the following: "and Hon. Warren R. Porter, Lieutenant-Governor of the State of California".

Also:

On line 4, strike out the word "himself", and insert in lieu thereof the word "themselves".

Also:

On line 5, strike out the word "he", and insert in lieu thereof the word "they".

And:

On line 6, strike out the word "his", and insert in lieu thereof the word "their".

Amendments read and adopted.

Senate concurrent resolution read, as amended.

The question being upon the adoption of the Senate concurrent resolution, as amended.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Anthony, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Finn, Hare, Kennedy, McCartney, Price, Reily, Rush, Savage, Strobbridge, Walker, Weed, Willis, and Wolfe—21.

NOES—None.

Senate Concurrent Resolution No. 20 considered engrossed and ordered transmitted to the Assembly.

COMMUNICATIONS.

The following communications were presented by the President of the Senate, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 20th 1909

Hon. WARREN R. PORTER, *Lieutenant-Governor of California,*
President of the Senate, State Capitol, Sacramento, Cal.

HONORABLE AND DEAR SIR: Will you kindly convey to the members of the Senate our appreciation of the passage of Senate Bills Nos. 226 and 227, known as "The Islais Creek Bills", and Senate Bill No. 485, known as "The San Francisco Harbor Improvement Bill", which mean much to this city, this harbor, and this State. We feel grateful for the support given by the Senators to these measures, which we especially requested their approval of.

Yours very respectfully,

JAMES ROLPH, JR.

President of The Merchants' Exchange of San Francisco.

Also:

PALO ALTO, CAL., March 22, 1909.

Hon. WARREN R. PORTER, *Lieutenant-Governor, Sacramento, Cal.*

I beg to inform you, and through you Senate of California, that I regard resolution adopted Saturday in reference to my absence as discontinuous, as a reflection on my honor and integrity, and as proposing infringement of my privilege and rights as a Senator and citizen. I therefore have declined to see persons sent here under this resolution, and shall continue to decline to see them until my physicians inform me that I can with safety return to Sacramento. Ample evidence of my physical condition has been presented your representatives by four capable and reputable physicians, and these physicians have furnished, and will furnish, evidence of my condition from time to time as requested by you or by the Senate.

MARSHALL BLACK.

Also:

PALO ALTO, CAL., March 22, 1909.

Lieutenant-Governor WARREN R. PORTER.
President of the State Senate of California, Sacramento, Cal.

I arrived in Palo Alto, accompanied by Dr. Douglass W. Montgomery, at 9 P. M., March 21, 1909. After consultation with Dr. Howard Black and his consultants, Dr. H. B. Reynolds, Dr. J. C. Spencer, and Dr. R. L. Wilbur, Dr. Douglass W. Montgomery asked to see Senator Marshall Black before giving an opinion. This request was referred to Senator Marshall Black by Dr. Howard Black. Dr. Howard Black returned, stating that Senator Marshall Black declined to see Dr. Douglass W. Montgomery, stating he was satisfied with the opinion of his own physicians. The matter so rested on the night of March 21, 1909. In company with Dr. Douglass W. Montgomery I again called on Dr. Howard Black at 10 A. M., March 22, 1909. Again Dr. Montgomery requested to see Senator Marshall Black, and again the matter was referred to Senator Black for his decision, and again Dr. Montgomery was told that Senator Black would not see him.

J. L. MARTIN, Sergeant-at-Arms of the Senate.

And:

PALO ALTO, CAL., March 22, 1909.

Lieutenant-Governor WARREN R. PORTER.
President State Senate, Sacramento, Cal.

On the afternoon of March 21, 1909, about 4:30 P. M., J. L. Martin, Sergeant-at-Arms of the Senate of the State of California, called on me and informed me that I had been designated by the President of the Senate to proceed with him to Palo Alto, and to consult with the physicians of Senator Marshall Black, to ascertain if Senator Black's health was such as to permit him to go to Sacramento. I arrived at the office of Dr. Howard Black, Senator Black's physician, at about 9:30 P. M., March 21, 1909, and there met Dr. Howard Black, Dr. H. B. Reynolds, Dr. J. C. Spencer, and Dr. R. L. Wilbur. These physicians said they had held a con-

sultation and had made an examination of Senator Marshall Black that afternoon; according to their statement, Senator Marshall Black had arrived in Palo Alto about five days previously suffering from inflammation of the eyes, commonly called "pink eye," and that this inflammation of the eyes had almost entirely cleared up, but that the inflammation traveled down the throat and bronchial tubes. According to their statement to me on the evening of March 21, 1909, Senator Marshall Black was suffering from broncho-pneumonia, and symptoms of inflammation in the lower lobe of the left lung, the temperature that afternoon was ninety-nine and the pulse ninety. The heart was in good condition. The cough was severe and the expectoration abundant. I stated to these physicians that I was delegated by the Senate of the State of California to make a thorough and complete examination of Senator Black for the purpose of ascertaining at what time it would be safe for Senator Black to proceed to Sacramento. I was informed by Dr. Howard Black that Senator Marshall Black would not permit me to see him. I then asked Senator Black's physicians, individually and collectively, if in their opinion, in Senator Black's present physical condition any serious inconvenience or injury would accrue to Senator Black from a personal examination by me. They all stated that, on their part, they were perfectly willing that such examination should be held by the Senate physician, and that such an examination in their opinion could do no injury. I asked if the patient was in sound and disposing mind. I was answered he was. At about 10 A. M., March 22, 1909, I again called on Dr. Howard Black, renewing my request of the previous evening to see Senator Marshall Black. Senator Black, through the physician, still declined to receive me. I then asked Dr. Howard Black when, in his opinion, Senator Marshall Black would be in condition to proceed to Sacramento. He said that at the consultation of the previous day it was concluded that it would be a week before Senator Black would be in such a condition as to enable him with safety to undertake the journey. As this consultation was held on March 21st, it would, in their opinion, be March 28th before Senator Black would be in a condition to proceed to Sacramento. I asked if, in his opinion, Senator Black was convalescing. He said that in his opinion he was. He said that Senator Black's temperature this morning was 100, his pulse 90, his cough still severe, and there still was evidence of inflammation in the lower lobe of the left lung. Personally, from what I know of Senator Black's physicians, I believe these facts to be true. Taking it for granted that these facts are true, I do not find that, from them alone, I can conclude that Senator Black is unable to proceed to Sacramento. In order to concur in this opinion of Senator Black's physicians I would have to see the patient.

DOUGLASS W. MONTGOMERY, M. D.

Delegated by Lieutenant-Governor Warren R. Porter to examine into the state of health of Senator Marshall Black.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Estudillo moved that the vote whereby Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations, by amending Section 16—was finally passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Curtin, Estudillo, Holohan, Leavitt, Lewis, McCartney, Roseberry, Rush, Stetson, Walker, Weed, Willis, and Wolfe—21.

NOES—Senators Anthony, Campbell, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Martinelli, Miller, Reily, Sanford, Savage, Strobbridge, Thompson, and Welch—16.

Assembly Bill No. 1331—An Act to amend an Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulations, by amending Section 16.

The vote having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1331 refused final passage by the following vote:

AYES—Senators Anthony, Campbell, Cartwright, Cutten, Finn, Hare, Hartman, Hurd, Kennedy, Martinelli, Miller, Reily, Sanford, Savage, Strobridge, and Welch—16.

NOES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Estudillo, Holohan, Leavitt, Lewis, McCartney, Price, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Willis, and Wolfe—22.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 1252—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

CLIO LLOYD, Chief Clerk of the Assembly.
L. B. MALLOY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendments to Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—and have appointed the following Committee on Conference: Messrs. Leeds, Hewitt, and G. L. Johnson, and respectfully request your honorable body to appoint a like committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President of the Senate announced that he had appointed Senators Wright, Leavitt, and Wolfe as a Committee on Conference on Senate Bill No. 3, to act with a like committee from the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 21 taken up for consideration out of order.

SENATE CONCURRENT RESOLUTION No. 21.

Relative to leaves of absence to certain Senators.

Resolved by the Senate and the Assembly concurring. That leave of absence from the State of California for a longer period than sixty days during the term of office of the following named Senators of the Legislature of the State of California be and the same is hereby granted, said leave of absence to take effect after adjournment:

Anthony, Marc; Bates, J. Clem; Bell, Chas. W.; Bills, Chas. B.; Birdsall, E. S.; Black, Marshall; Boynton, A. E.; Burnett, Lester G.; Caminetti, A.; Campbell, A. E.; Cartwright, George W.; Curtin, J. B.; Cutten, Charles P.; Estudillo, Miguel; Finn, Thomas F.; Hare, John P.; Hartman, Gus; Holohan, James B.; Hurd, H. M.; Kennedy, T. J.; Leavitt, F. W.; Lewis, John T.; Martinelli, E. B.; McCartney, H. S. G.; Miller, E. O.; Price, W. F.; Reily, D. J.; Roseberry, Louis H.; Rush, Benjamin F.; Sanford, J. B.; Savage, W. H.; Stetson, John W.; Strobridge, Ed. K.; Thompson, Newton W.; Walker, George S.; Weed, A.; Welch, Richard J.; Willis, Henry M.; Wolfe, Edward I.; Wright, Leroy A.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Curtin, Cutten, Finn, Hare, Hartman, Holohan, Kennedy, Lewis, McCartney,

Miller, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Willis—29.

NOES—None.

Senate Concurrent Resolution No. 21 considered engrossed, and ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—report that we have met a like committee of the Assembly, consisting of Assemblymen Leeds, Hewitt, and Johnson of Sacramento, and we report that the Conference Committee can not agree, and request that the Senate appoint a Committee on Free Conference.

WRIGHT,
WOLFE,
LEAVITT.

Committee on Conference.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee on Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—and have appointed the following Committee on Free Conference: Messrs. Leeds, Hewitt, and Grove L. Johnson, and respectfully request your honorable body to appoint a like committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he had appointed Senators Wright, Wolfe, and Leavitt as a Committee on Free Conference on Senate Bill No. 3, to act with a like committee from the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At five o'clock and five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Cutten moved that the vote whereby Assembly Bill No. 223—An Act to amend Section 995 of the Penal Code, relating to motion to set aside indictments, etc.—was finally passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Cutten, Holohan, Kennedy, Lewis, Miller, Rush, Sanford, Stetson, Strobbridge, and Walker—13.

NOES—Senators Anthony, Bates, Burnett, Caminetti, Curtin, Finn, Hare, Hartman, Leavitt, McCartney, Price, Reily, Roseberry, Savage, Weed, Welch, Willis, Wolfe, and Wright—20.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 278—An Act providing for the construction of a water and sewer system in California Redwood Park, and making an appropriation therefor.

Also: Senate Bill No. 465—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.

Also: Senate Bill No. 540—An Act making an appropriation of six thousand five hundred and twenty-seven and twelve one-hundredths dollars (\$6527.12) to repay the Regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 974—An Act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 1135—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Senate Bill No. 904—An Act to amend Sections 626, 626c, 626d, 626m, and 627b, of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626n and 626o, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Also: Senate Bill No. 844—An Act to prevent persons from unlawfully using a union card.

Also: Senate Bill No. 840—An Act to make an additional appropriation for the continuation of the location, survey, and construction of a state highway from a point known as the Mt. Pheasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also: Senate Bill No. 833—An Act to amend Section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester, and Assistant Forester.

Also: Senate Bill No. 669—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 637—An Act to provide for the construction of buildings, and structures and repairs to the same, on the University Farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

Also: Senate Bill No. 215—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 22—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this Act.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No. 885—An Act to amend Section 1230 of the Political Code of the State of California, relating to grounds of challenge at elections.

Also: Senate Bill No. 1061—An Act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilleries.

Also: Senate Bill No. 1190—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed, or controlled, in trust or otherwise, to municipal corporations, counties, or cities and counties, in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 670—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.

Also: Senate Bill No. 1130—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

Also: Senate Bill No. 905—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled an Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto, to be known and designated as Section 16a, relating to voting or ballot machines.

Also: Senate Bill No. 980—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XXII of Part IV of division first of said Act, relating to and providing for the incorporation, organization, management, and coöperation of non-profit coöperative corporations.

Also: Senate Bill No. 1059—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.

Also: Senate Bill No. 1088—An Act to amend section five and section ten of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by enlarging the discretion of boards of supervisors concerning such districts and improvements, and to include in said districts territory situated within municipal corporations.

Also: Senate Bill No. 1224—An Act to amend Section 3780 of the Political Code of the State of California, as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Also: Senate Bill No. 133—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto, to be numbered section twelve hundred a and section twelve hundred three b, and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanic's liens.

Also: Senate Bill No. 1178—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

Also: Senate Bill No. 969—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

Also: Senate Bill No. 1077—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.

Also: Senate Bill No. 1219—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers.

Also: Senate Bill No. 1152—An Act to provide for the dedication to public use for street purposes of certain lands of the State Normal School at Los Angeles; to prescribe the conditions of such dedication; to authorize and empower the board of trustees of said State Normal School to convey said lands to the city of Los Angeles to public use for street purposes; and to authorize and empower said board of trustees to make certain changes, alterations and repairs in the buildings, and other improvements upon the lands of said State Normal School arising out of such dedication.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Senate Bill No. 1191—An Act authorizing municipal corporations, counties, and cities and counties to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon.

Also: Senate Bill No. 1249—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof.

Also: Senate Bill No. 34—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Senate Bill No. 166—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system for the Preston School of Industry.

Also: Committee Substitute for Senate Bill No. S13—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section five thereof, by amending subdivisions one and three of said section five, and by adding a new subdivision to said section five thereof, to be numbered subdivision six, and by adding a new section thereto, to be numbered Section 8a.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-second day of March, nineteen hundred and nine, at four o'clock P. M.

STROBRIDGE, Chairman.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Price moved that the vote whereby Assembly Bill No. 221—An Act to amend Section 925 of the Penal Code of the State of California, relating to grand juries, when and from whom they may ask advice, and who may be present at the sessions of grand juries—was finally passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Cullen, Holohan, Kennedy, Lewis, Miller, Rush, Sanford, Stetson, Strobridge, and Walker—13.

NOES—Senators Anthony, Bates, Bills, Curtin, Finn, Hartman, Hurd, Leavitt, McCartney, Price, Reily, Roseberry, Savage, Weed, Welch, Willis, Wolfe, and Wright—18.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Caminetti, Senator Willis moved that the vote whereby Assembly Bill No. 222—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants—finally passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Cullen, Holohan, Kennedy, Lewis, Miller, Rush, Stetson, and Walker—11.

NOES—Senators Anthony, Bates, Bills, Curtin, Finn, Hartman, Hurd, Leavitt, McCartney, Price, Reily, Roseberry, Savage, Weed, Welch, Willis, Wolfe, and Wright—18.

Bill ordered transmitted to the Assembly.

RECESS.

At five o'clock and fifty minutes P. M., the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced out of order:

By Senator Leavitt:

Resolved, That Assembly Bill No. 1447 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1447—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, relating to the levy of taxes.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1447 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 163 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Curtin:

Resolved, That Assembly Bills Nos. 1433, 1434, 1435, 1436, 1437, 1438, 1439, and 163 present cases of urgency, as that term is used in Section 15 of Article IV

of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Curtin, Cutton, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Miller, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—Senator Boynton—1.

CASE OF URGENCY.

Assembly Bill No. 1433—An Act appropriating money to pay the claim of the Byran Elevator Company against the State of California. Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Leavitt asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 1433.

Whereupon the President announced that Assembly Bill No. 1433 was refused final passage by the following vote:

AYES—Senators Bills, Curtin, Finn, Hare, Hartman, Kennedy, Lewis, Martinelli, Reily, Sanford, Weed, Willis, and Wolfe—13.

NOES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Caminetti, Campbell, Cartwright, Cutton, Estudillo, Holohan, Hurd, McCartney, Miller, Price, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, and Wright—23.

Assembly Bill No. 1433 ordered transmitted to the Assembly.

MOTION.

Senator Leavitt moved that debate for this day be limited to two minutes for each Senator speaking.

Motion carried.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Curtin, Assembly Bills Nos. 1434, 1435, 1436, 1437, 1438, and 1439 were ordered withdrawn from the file, and ordered re-referred to Committee on Finance.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference upon Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 3—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator—report that we have met a like committee of the Assembly, consisting of Assemblymen Leeds, Hewitt, and Johnson of Sacramento, and we report that the Free Conference Committee agreed upon and recommends the following amendments:

AMENDMENT No. 1.

Strike out the entire title of the Act, and insert a new title to read as follows: "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator."

AMENDMENT No. 2.

On page 2, Section 2, of the reëngrossed Senate bill, strike out all of Subdivision 2, lines 5 to 20, inclusive, and insert in lieu thereof the following: "By nominating petitions signed and filed as provided by existing laws. Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for State officers; *provided, however,* that the vote for candidates for United States Senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective Senatorial and Assembly districts in the respective parties; *provided further,* that members of the Legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States Senator who shall have received the endorsement of their party at such primary election in the greatest number of districts electing members of such party to the Legislature.

This Act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for any district organization not formed for municipal purposes; nor to school trustees in cities of the sixth class; nor to school district officers, other than those elected in a district of which an incorporated city or city and county or part of an incorporated city or city and county constitutes the whole or a part of such school district."

AMENDMENT No. 3.

On pages 6 and 7, of the reëngrossed Senate bill, strike out all of lines 106 to 136, inclusive.

AMENDMENT No. 4.

On page 23, Section 23, line 41, of the reëngrossed Senate bill, strike out the period after the word "thereof" and all the remainder of the paragraph, and insert in lieu thereof the following: "showing the vote cast for said candidate of each party in each Assembly and Senatorial district. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the Secretary of State to transmit duplicates of said statements to the Speaker of the Assembly and the President of the Senate on the first day of the next ensuing session of the Legislature."

AMENDMENT No. 5.

On page 25, Section 24, line 38, of the reëngrossed Senate bill, insert after the word "campaign" the following: "In any county the county committee shall be selected by the county convention."

AMENDMENT No. 6.

On page 25, Section 24, line 49, of the reëngrossed Senate bill, strike out the word "posted", and insert in lieu thereof the word "pasted".

AMENDMENT No. 7.

On page 25, Section 24, line 52-55 of the reingrossed Senate bill, after the word "county", strike out the period and insert the word "convention."

AMENDMENT No. 8.

On page 27, Section 27, line 18, of the reingrossed Senate bill, strike out the words "justice or judge of the superior".

AMENDMENT No. 9.

On page 27, Section 28, lines 5 and 6, of the reingrossed Senate bill, strike out the words "justice or judge of the superior".

AMENDMENT No. 10.

On page 14, Section 12, line 100, of the reingrossed Senate bill, strike out the words "county committeeman", and insert in lieu thereof the following: "delegates to county conventions".

AMENDMENT No. 11.

On page 11, Section 12, line 12, of the reingrossed Senate bill, insert after the word "election", at the end of the line, a period.

AMENDMENT No. 12.

On page 28, Section 31, line 6, of the reingrossed Senate bill, strike out the word "promises", and insert the word "promised".

AMENDMENT No. 13.

On page 9, Section 7, line 8, of the reingrossed Senate bill, strike out the word "officers", and insert in lieu thereof the word "office".

WRIGHT,
WOLFE,
LEAVITT,

Committee on Free Conference.

Report and amendments read.

The question being upon the adoption of the report and amendments.

The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Campbell, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holden, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCarney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strohbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—Senator Caminetti—1.

Senate Bill No. 3 ordered to enrollment.

EXPLANATIONS OF VOTES.

On motion of Senator Wolfe, the following explanations of votes were ordered printed in the Journal:

MR. PRESIDENT: We voted to adopt the report of the Committee on Free Conference on Senate Bill No. 3, not because we believe it to be what is desired by the people of this State, but because we believe it to be the only bill that can be adopted at this late hour, as the Legislature is about to adjourn.

CURTIN,
CARTWRIGHT,
SANFORD.

Also:

MR. PRESIDENT: We voted for the direct primary bill because it seems to be the best law that can be obtained under existing political conditions. We are opposed to many of the features of this bill, and believe that the people at the first opportunity will instruct their representatives in the Legislature to radically amend the same in many particulars, notably in regard to the election for United States Senators, and the provisions that prevent the endorsement of a candidate by a political party or organization other than the one that first nominated such candidate.

CAMPBELL,
HOLOHAN,
MILLER.

And:

MR. PRESIDENT: If I had not been unavoidably absent at the time the report of the Free Conference Committee on Senate Bill No. 3 was submitted (the primary election bill), I would have voted for the report.

BURNETT.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for, and was granted, unanimous consent to introduce a Senate concurrent resolution out of order.

By Senator Leavitt: Senate Concurrent Resolution No. 22—Relative to final adjournment of the Legislature.

MOTION.

Senator Leavitt moved that the rules be suspended, and that Senate Concurrent Resolution No. 22 be taken up for immediate consideration.

Motion seconded.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended and the motion carried by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

SENATE CONCURRENT RESOLUTION No. 22.

Resolved by the Senate, the Assembly concurring, That the thirty-eighth session of the Legislature of the State of California adjourn sine die at ten o'clock P. M., Tuesday, March 23, 1909, and that no bills be considered by either house after twelve o'clock meridian on Tuesday, March 23, 1909, except amendments offered by the other house and reports of conference and free conference committees.

Senate concurrent resolution read.

The question being upon the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Caminetti, Campbell, Curtin, Estudillo, Hare, Hartman, Leavitt, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobridge, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Concurrent Resolution No. 22 considered engrossed, and ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That the Secretary of Senate be, and he is hereby, authorized to have printed five thousand extra copies of enrolled Senate Bill No. 32—Relating to location of mining claims, and the cost thereof—such copies to be for general distribution throughout the State of California under the direction of the Secretary of State.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Birdsall, Caminetti, Campbell, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Kennedy, Lewis, Martinelli, McCartney,

Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Also:

Resolved by the Senate of the State of California. That the State Printer be, and he is hereby, instructed to print 20,000 indexed copies of Senate Bill No. 3; and further be it

Resolved. That the Secretary of State be, and he is hereby, authorized to receive the same for public distribution.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Campbell, Cartwright, Curtin, Estudillo, Hartman, Holohan, Lewis, Martinelli, Miller, Price, Reily, Rush, Sanford, Savage, Stetson, Strobridge, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

ANNOUNCEMENT.

The President of the Senate announced that, in accordance with the provisions of Senate Concurrent Resolution No. 11, he had appointed Senators Anthony and Caminetti to act in conjunction with the trustees of the President Lincoln Monumental League.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for, and was granted, unanimous consent to have Assembly Bill No. 1339 taken up for consideration out of order.

Assembly Bill No. 1339—An Act providing for submitting to electors the question of calling a convention to revise the Constitution of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stetson moved a call of the Senate.

Motion carried.

Time, ten o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Bills, Birdsall, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Miller, Price, Reily, Roseberry, Sanford, Savage, Stetson, Strobridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—34.

The secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and fifteen minutes P. M., Senators Rush and Boynton were brought to the bar of the Senate, and, on motion of Senator Leavitt, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Sanford moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty-two minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bell, Birdsall, Burnett, Caminetti, Cartwright, Curtin, Cutten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Weed, Welch, Willis, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty minutes P. M., further proceedings under the call of the Senate was dispensed with, on motion of Senator Price.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 1339 was refused final passage by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Campbell, Cartwright, Curtin, Cutten, Finn, Hare, Holohan, Kennedy, Miller, Roseberry, Stetson, Strobbridge, Thompson, Walker, and Willis—20

NOES—Senators Anthony, Bills, Estudillo, Hartman, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Rush, Sanford, Savage, Weed, Welch, Wolfe, and Wright—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1339 was this day refused final passage.

CASE OF URGENCY.

Assembly Bill No. 163—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Made case of urgency previously this day.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 163 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Burnett, Cartwright, Curtin, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for, and was granted, unanimous consent to have Assembly Bill No. 1126 taken up for consideration out of order.

Assembly Bill No. 1126—An Act to add a new section to the Political

Code of the State of California, relating to entry of amendments and propositions on ballots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1126 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Curtin, Cutton, Estudillo, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Stetson, Thompson, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 544?"

On page 1, of the printed bill, amend the title so that the same shall read as follows: "An Act making an appropriation of nine thousand dollars for the construction and installation of a tank at the Lick Observatory, in the county of Santa Clara, for making photographic copies of the principal astronomical photographs at said observatory, and for additional equipment for said observatory".

Also:

On page 1, Section 1, lines 1 and 2, of the printed bill, strike out the words and figures "nineteen thousand dollars (\$19,000)", and insert in lieu thereof the following: "Nine thousand dollars".

Also:

On page 1, Section 1, of the printed bill, strike out everything from and including the word "provide", in line 3, to and including the word "county", in line 8, and insert in lieu thereof the following: "be expended by the Regents of the University of California for the construction and installation of a tank at the Lick Observatory, in the county of Santa Clara, in this State, with an approximate capacity of one hundred and forty-four thousand gallons of water; for making eight sets of photographic copies on glass of the most important astronomical photographs of the Lick Observatory, to be deposited with eight (8) leading academies of science in eight (8) of the leading countries of the world, that these photographs may be available for measurement and study by all qualified students of the subject; for the stereocomparator; for a precision bench lathe in the instrument-making shop; and for additions to the library and to the scientific equipment of the Lick Observatory."

And:

On page 2, Section 2, line 3, of the printed bill, strike out the word "treasurer" and insert in lieu thereof the word "regents".

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 544 by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cartwright, Cutton, Hare, Holohan, Hurd, Leavitt, Lewis, Martinelli, Reily, Roseberry, Rush, Savage, Stetson, Thompson, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 544 ordered to enrollment.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 624—An Act to define personal property brokers, and regulate their charge and business.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 624 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Also: Senate Bill No. 961—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Also: Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 960, 961, and 1120 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed, as amended, Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 618?"

Strike out the words "to continue the attachment in force", found in lines 4 and 5, of Section 1, page 1, of the printed bill, and insert in lieu thereof the words "executed and filed".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 618 by the following vote:

AYES—Senators Anthony, Bell, Caminetti, Cartwright, Cutten, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 618 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 867?"

After the word "direct", in line 5, Section 1, page 1, of the printed bill, insert the word "or".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 867 by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cutten, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 867 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1232—An Act to legalize, confirm and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1232 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendment to Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—and respectfully request your honorable body to recede therefrom.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLOBY, Assistant Clerk.

Assembly Bill No. 1220 ordered on file as unfinished business.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FINANCE

SENATE CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Also: Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 975 and 1424 ordered on file for second reading.

CONSIDERATION OF BILLS OUT OF ORDER—RESUMED.

Senator Holohan asked for, and was granted, unanimous consent to have Assembly Bill No. 133 taken up for consideration out of order.

Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Read third time.

On motion of Senator Willis, Assembly Bill No. 133 was temporarily passed on file, to retain its place.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Rush:

Resolved, That J. W. Harper, History Clerk, be and he is hereby, instructed to complete the final history of the Senate, and the sum of one hundred dollars is hereby appropriated out of the contingent fund of the Senate to pay him for said services, and the State Controller is directed to draw his warrant for the same, and the State Treasurer is directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Price:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of C. J. Sykes for the sum of \$23.50, the same to be paid out of the contingent fund of the Senate, and the Treasurer is directed to pay the same, said amount being for services as porter up to and including March 23, 1909.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cullen, Hare, Hartman, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Wright:

Resolved, That Assembly Bills Nos. 975 and 1424 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cartwright, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Strohbridge, Thompson, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1424—An Act to aid in the carrying out of the provisions of an Act entitled "An Act to provide for the gathering, compiling, printing, and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1424 finally passed by the following vote:

AYES—Senators Anthony, Caminetti, Cartwright, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Assembly Bill No. 975—An Act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Cartwright, Cutten, Hartman, Holohan, Hurd, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Rush, Sanford, Thompson, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 22 1909.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIS, Chairman.

Assembly Bill No. 1036 ordered on file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for, and was granted, unanimous consent to have Assembly Bill No. 1136 taken up out of order.

Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 22 and 57 of said Act.

Bill read second time, and ordered on file for third reading.

Also:

Senator Wolfe asked for, and was granted, unanimous consent to have Assembly Bill No. 1413 taken up for consideration out of order.

Assembly Bill No. 1413—An Act to create the office of attorney for the State Bureau of Labor Statistics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1413 finally passed by the following vote:

AYES—Senators Anthony, Bell, Bennett, Burnett, Curtin, Cutter, Hare, Hartman, Holahan, Hurd, Lewis, Martineau, McCartney, Roseberry, Rush, Sanford, Savage, Stetson, Thompson, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Boynton asked for, and was granted, unanimous consent to have Assembly Bill No. 1441 taken up for consideration out of order.

Assembly Bill No. 1441—An Act to repeal an Act entitled "An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers, of the State of California, as recommended in the special report of the California Débris Commission, dated July 30, 1907, and made jointly by Brigadier General A. Mackenzie, Chief of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1441 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Cutten, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Thompson, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Hare asked for, and was granted, unanimous consent to have Assembly Bill No. 1282 taken up out of order.

Assembly Bill No. 1282—An Act to add a new section to the Penal Code of the State of California, to be known and numbered Section 402e.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1282 finally passed by the following vote:

AYES—Senators Anthony, Bell, Burnett, Caminetti, Cartwright, Curtin, Cutten, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Also:

Senator Caminetti asked for, and was granted, unanimous consent to have Assembly Bill No. 1360 taken up for consideration out of order, for the purpose of amendment.

Assembly Bill No. 1360—An Act to prevent the sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1360 finally passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Caminetti, Hare, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Roseberry, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Wolfe, and Wright—21.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the motion by Senator Thompson to reconsider the vote whereby Assembly Bill No. 622 was refused final passage, the same was taken up for consideration.

SPECIAL ORDER POSTPONED.

Senator Thompson moved that the further consideration of the above motion be postponed and made a special order for Tuesday, March 23, 1909, immediately after the reading of the Journal.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hurd moved that the vote whereby Committee Substitute for Assembly Bill No. 320—An Act to amend Sections 3, 8, 20, and 21 of an Act approved March 23, 1901, and entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' to repeal Sections 13 and 24 of said Act; also to amend Sections 12, 14, and 19 of said Act as amended by an Act approved March 20, 1903; also to amend Section 21½ of said Act as added thereto by said Act approved March 20, 1903; and also to amend Section 15 of said Act of March 23, 1901, as amended by an Act approved March 6, 1907; all relating to the Board of Dental Examiners of California and the regulation of the practice of dentistry in the State of California"—was finally passed, be now reconsidered.

Motion was duly seconded.

MOTION.

Senator Hurd moved that the further consideration of the above motion be postponed and made a special order for Tuesday, March 23, 1909, immediately after the special order heretofore set, following the reading of the Journal.

Motion seconded.

The question being on the motion to postpone.

The roll was called.

MOTION FOR CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hurd moved a call of the Senate.

Motion seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Canineti, Fitts, Hare, Hartman, Hurd, Leavitt, Lewis, Savage, Thompson, Willis, Wolfe, and Wright—12.

NOES—Senators Anthony, Bell, Boutton, Burnett, Curtin, Cutton, Holahan, McCartney, Price, Roscherry, Sanford, Stetson, Stredridge, Walker, and Welch—15.

Whereupon, the President announced that the motion to postpone was lost by the following vote:

AYES—Senators Curtin, Fitts, Hare, Hurd, Kennedy, Leavitt, Lewis, McCartney, Rush, Savage, Willis, and Wright—12.

NOES—Senators Anthony, Bell, Boutton, Burnett, Cartwright, Cutton, Holahan, McCartney, Roscherry, Sanford, Stetson, Stredridge, Walker, Welch, and Wolfe—15.

Committee Substitute for Assembly Bill No. 320 ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock and twenty-five minutes P. M., on motion of Senator Hartman, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 23, 1909. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Price, Reily, Roseberry, Rush, Sanford, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 22, 1909, the further reading was dispensed with, on motion of Senator McCartney.

APPROVAL OF THE JOURNALS.

The Journals of Saturday, March 13, Monday, March 15, Tuesday, March 16, and Wednesday, March 17, 1909, having been corrected, were read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day transmits Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—to your honorable body as per your request.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 1220?"

On page 1, Section 1, line 10, strike out the words "to be", and insert in lieu thereof the following: "not to exceed twenty-four hundred dollars for any full term for which said grand jury shall have been empaneled, unless".

And:

On page 1, Section 1, line 12, insert after the word "charges," the following: "It shall be the duty of every grand jury first empaneled in even-numbered years to investigate and report upon the needs of all county offices in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition or creation of offices and the equipment for, or the method or system of, performing the duties of the several offices, and it shall cause a copy of such report to be transmitted to each member of the Legislature representing the county in which it has been empaneled before the commencement of the regular session of the Legislature in odd-numbered years."

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 1220 by the following vote:

AYES—None.

NOES—Senators Bates, Bell, Bills, Birdsall, Caminetti, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Roseberry, Rush, Savage, Stetson, Walker, Weed, Welch, Wolfe, and Wright—21.

Assembly Bill No. 1220 ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. of the Senate announced that he had appointed Senators Stetson, Martinelli, and Rush as a Committee on Conference on Assembly Bill No. 1220, to meet with a like committee from the Assembly.

REQUEST FOR RECALL OF BILL FROM ASSEMBLY REFUSED.

Senator Hurd asked for unanimous consent to have Committee Substitute for Assembly Bill No. 320 recalled from the Assembly.

Senators Welch and Cutten made objection thereto.

Whereupon the President pro tem. declared that unanimous consent was refused.

MOTION.

Senator Wright moved to suspend Rule No. 51 of the Standing Rules of the Senate.

Motion seconded.

The question being on the motion to suspend the rule.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bates, Bills, Curtin, Hartman, Hurd, Kennedy, Leavitt, Lewis, Savage, Thompson, Walker, Weed, and Wright—13.

NOES—Senators Bell, Birdsall, Boynton, Caminetti, Cutten, Holohan, McCartney, Roseberry, Stetson, and Wolfe—10.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 566—An Act to amend Sections 15, 16, 17, 18, and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 11, 1893; and to add thereto three new sections, to be numbered Section 15a, Section 15b, and Section 15c, respectively, all relating to commitments to, or paroles and discharges from, said school.

Also: Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 271a, relating to phonographic reporter, his competency, and compensation.

Also: Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

Also: Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish Police Courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Also: Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Also: Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and ratification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 281½, relating to maintenance of protection districts.

Also: Senate Bill No. 1148—An Act to amend Sections 3446, 3450, 3452, 3453, 3454, 3455, 3456, 3459, 3463, 3464, 3467, 3470, 3471, 3474, 3476, 3481, and 3491 of the Political Code of the State of California, relating to irrigation and reclamation districts.

Also: Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 101, 658, 997, 1091, 1108, 1131, 1148, 1212, and Committee Substitute for Senate Bill No. 566 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Also: Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Also: Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Also: Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Also: Senate Bill No. 1254—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Also: Assembly Bill No. 1451—An Act providing for the appointment of a committee of five persons, whose duty it shall be to investigate the advisability of dividing the State into fish and game districts and to make a report of the result of their investigations, and providing for the expenses of the members of such committee and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 1195, 1242, 1252, 1253, and 1254 ordered to enrollment.

Assembly Bill No. 1451 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Also: Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.

Also: Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 680?"

Strike out all of Section 1 after the word "sold" where it occurs in line 12, page 2, printed bill, and insert in lieu thereof a period.

Also:

Insert after the word "revoked", in line 29, page 6, printed bill, the words "or suspended".

And:

Strike out all of Section 9 after the word "merchandise" where it occurs in line 8, page 6, printed bill, and insert in lieu thereof a period.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 680 by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Holohan, Leavitt, Lewis, McCartney, Reily, Roseberry, Rush, Stetson, Thompson, Walker, Weed, Wolfe, and Wright—2.

NOES—None.

Senate Bill No. 680 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1199.

Strike out lines 27, 28, 29, 30, 31, and 32, of the printed bill, and insert the following: "The county surveyor shall be allowed ten dollars per day for the time he is engaged in county work, for which per diem he shall also furnish all necessary instruments and his transportation expenses while engaged in field work for the county."

And:

At the end of the printed bill, add the following: "Section 2. This Act shall take effect January 1, 1911."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 1199 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, Roseberry, Rush, Savage, Thompson, Walker, Weed, Wolfe, and Wright—22.

Senate Bill No. 1199 ordered transmitted to the Assembly.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1170?"

Strike out the word "four", in line 22, Section 2, page 2, of printed bill, and insert in lieu thereof the word "three".

Also:

After the word "California", in line 40, Section 2, page 2, of the printed bill, strike out the period and insert in lieu thereof a comma and add the following words: "except, that for traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents. No constructive mileage to be allowed. And provided further, that said sheriff shall receive for traveling outside of his said county in the service of criminal process, no mileage, but shall be allowed his actual and necessary expenses therefor."

Also:

Strike out the following words in line 42 and 43, Section 3, page 2, of the printed bill: "one deputy at a salary of fifteen hundred dollars per annum and one deputy", and insert in lieu thereof the words "two deputies".

Also:

Insert after the word "dollars", in line 44, Section 3, page 2, of the printed bill, the word "each".

Also:

Strike out the word "three", in line 44, Section 3, page 2, of printed bill, and insert in lieu thereof the word "two".

Also:

Insert after the word "thousand", in line 64, Section 6, page 3, of the printed bill, the words "one hundred".

Also:

Strike out the word "fifteen", in line 65, Section 6, page 3, of the printed bill, and insert in lieu thereof the word "twelve".

Also:

Strike out the semicolon in line 66, Section 6, page 3, of the printed bill.

Also:

Strike out the following words in lines 66 and 67, Section 6, page 3, of the printed bill: "one clerk at a salary of twelve hundred dollars per annum;"

Also:

Strike out lines 69 and 70, Section 6, page 3, of the printed bill, and insert in lieu thereof the following: "said tax collector shall receive such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *and provided further*, that said tax collector shall appoint as many deputies as may be necessary; the salaries of all of such deputies shall be paid out of the compensation hereinabove named."

Also:

Strike out the word "two", in line 71, Section 7, page 3, of the printed bill, and insert in lieu thereof the word "three".

Also:

Strike out the following words in lines 73 and 74, of Section 7, page 3, of the printed bill, to wit: "(and one deputy at a salary of twelve hundred dollars per annum;)"

Also:

Strike out the following words in line 92, Section 9, page 3, of the printed bill, to wit: "(six hundred) dollars per annum, and".

Also:

Strike out the word "twelve", in line 99, Section 11, page 4, of the printed bill, and insert in lieu thereof the word "nine".

Also:

Strike out the word "twelve", in line 117, Section 12, page 4, of the printed bill, and insert in lieu thereof the word "nine".

Also:

Strike out the word "fifteen", in line 130, Section 13, page 4, of the printed bill, and insert in lieu thereof the word "twenty".

Also:

Strike out the word "ten", in line 132, Section 13, page 4, of the printed bill, and insert in lieu thereof the word "fifteen".

Also:

Strike out the word "five", in line 134, Section 13, page 5, of the printed bill, and insert in lieu thereof the word "ten".

Also:

Strike out the word "six", in line 144, Section 13, page 5, of the printed bill, and insert in lieu thereof the word "eight".

Also:

After the word "township", in line 161, Section 14, page 5, of the printed bill, insert the following: "but within his own county".

Also:

Strike out the following words in lines 161 and 162, Section 14, page 5, of the printed bill: "warrant of arrest or other", and insert in lieu thereof the following: "civil or criminal".

Also:

Strike out the following words in line 162, Section 14, page 5, of the printed bill: "in a criminal case"; also the word "five", and in lieu of the last-named word insert the word "fifteen".

Also:

After the word "traveled", in line 163, Section 14, page 5, of the printed bill, strike out the semicolon, and insert in lieu thereof a comma and add the following words: "one way only, no constructive mileage to be allowed".

Also:

Strike out the word "six", in line 175, Section 14, page 6, of the printed bill, and insert in lieu thereof the word "eight".

Also:

Strike out the word "twelve", in line 178, Section 15, page 6, of the printed bill, and insert in lieu thereof the word "ten".

Also:

Strike out the word "fifteen", in line 185, Section 15, page 6, of the printed bill, and insert in lieu thereof the word "thirty".

And:

Strike out all of that portion of Section 15, page 6, of the printed bill, beginning with the word "each", in line 188 thereof, down to and including the word "day" and the semicolon, in line 191 thereof.

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Bill No. 1170 by the following vote:

AYES—None.

NOES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Caminetti, Cullen, Holohan, Hurd, Kennedy, Leavitt, Lewis, Price, Savage, Stetson, Thompson, Weed, Willis, Wolfe, and Wright—21.

Senate Bill No. 1170 ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Hartman:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of Dayton W. Montgomery, M.D., for the sum of \$100.00 for professional services performed as per resolution of March 20, 1909, and the Treasurer is directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

By Senator Kennedy:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, payable out of the contingent fund of the Senate, in the sum of \$63.90 in payment of the bill hereto attached:

H. S. Crocker Co..... \$63 90

Resolution read, and referred to Committee on Contingent Expenses.

WITHDRAWAL OF BILL.

Senator McCartney asked for, and was granted, unanimous consent to withdraw Senate Bill No. 1217—An Act to amend Section 739 of the Political Code of the State of California.

Senate Bill No. 1217 withdrawn, and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the third-reading file of Assembly bills was taken up.

Assembly Bill No. 301—An Act to provide for work upon, and the construction of sidewalks within municipalities.

On motion of Senator Bills, Assembly Bill No. 301 was temporarily passed on file, to retain its place.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

On motion of Senator Cullen, Assembly Bill No. 436 was temporarily passed on file, to retain its place.

Assembly Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections six, nine, and thirteen of said Act.

On motion of Senator Cullen, Assembly Bill No. 437 was temporarily passed on file, to retain its place.

Assembly Bill No. 438—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

On motion of Senator Cullen, Assembly Bill No. 438 was temporarily passed on file, to retain its place.

Committee Substitute for Assembly Bill No. 920—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

On motion of Senator Leavitt, Committee Substitute for Assembly Bill No. 920 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article IX of said Constitution, by adding new sections to be numbered 14, 15, and 16, respectively, relating to the schools, their government, and their taxation.

On motion of Senator Wright, Assembly Constitutional Amendment No. 16 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to the election of superintendents of schools.

On motion of Senator Wright, Assembly Constitutional Amendment No. 17 was temporarily passed on file, to retain its place.

Assembly Bill No. 1093—An Act to add a new section to Chapter II, Title XV, of the Penal Code, to be numbered 655, relating to trespass upon, or the unlawful relocation, or "jumping" of mines, mining, and mineral claims.

On motion of Senator Boynton, Assembly Bill No. 1093 was temporarily passed on file, to retain its place.

Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

On motion of Senator Leavitt, Assembly Bill No. 99 was temporarily passed on file, to retain its place.

Assembly Bill No. 250—An Act to amend Section 1874 of the Political Code of California, relating to standing Committee on Text-books.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Cutten, Hartman, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Reilly, Savage, Walker, Weed, Welch, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1259—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1259 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cartwright, Curtin, Cutten, Holahan, Kennedy, Leavitt, Lewis, Martinelli, Rush, Thompson, Walker, Weed, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1316—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force relating to estrays," approved March 23, 1901.

On motion of Senator Weed, Assembly Bill No. 1316 was temporarily passed on file, to retain its place.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1141—An Act to add a new section to the Penal Code, to be known as Section 172a, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Also: Senate Bill No. 374—An Act to regulate the work and hours of employees in the occupation of cooks, waiters, and waitresses in public eating houses, and providing a penalty for violation thereof.

Also: Amended and passed as amended Senate Bill No. 1241—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills No. 1144 and 374 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1241?"

In line 9, Section 1, page 1, printed bill, after the word "navigable", insert the following: "channel or".

And:

In line 12, Section 1, page 1, printed bill, after the word "sale", strike out the period and balance of line 12, and all of lines 13 to 34, inclusive.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 1241 by the following vote:

AYES—Senators Anthony, Bates, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Finn, Hare, Hartman, Kennedy, Price, Reily, Roseberry, Rush, Savage, Stetson, Strobeck, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 1241 ordered to enrollment.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Committee Substitute for Assembly Bill No. 1136—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced

within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending Sections 22 and 57 of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1136 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cutten, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 759—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 759 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1004—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

On motion of Senator Bills, Assembly Bill No. 1004 was temporarily passed on file, to retain its place.

Assembly Bill No. 413—An Act to amend an Act entitled "An Act to create a fund, to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

On motion of Senator Thompson, Assembly Bill No. 413 was temporarily passed on file, to retain its place.

Assembly Bill No. 1358—An Act to amend Section 1444 of the Code of Civil Procedure, relating to appraisement of estates and pay of appraisers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1358 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, McCartney, Rush, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1359—An Act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Politi-

cal Code, relating to the preparation and printing of the reports of decisions of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1359 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Cutten, Hare, Holohan, Hurd, Leavitt, Lewis, McCartney, Savage, Stetson, Thompson, Walker, Weed, Welch, Wolfe, and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An Act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California, relating to assignment to mortgagee of thing insured.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, McCartney, Price, Reily, Roseberry, Savage, Strobridge, Thompson, Walker, Weed, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 936—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, for their recommendation to the Governor that such person is physically fit for medical treatment, tests, or experiments in the interest of science, and providing for their recommendation in such matter and the relieving of such person.

On motion of Senator Leavitt, Assembly Bill No. 936 was temporarily passed on file, to retain its place.

Assembly Bill No. 915—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Caminetti, Cutten, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Reily, Roseberry, Rush, Savage, Stetson, Strobridge, Thompson, Walker, Weed, Welch, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1181—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1181 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Reily, Roseberry, Savage, Strobbridge, Thompson, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1185—An Act to amend Section 594a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1185 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Price, Reily, Roseberry, Savage, Stetson, Strobbridge, Thompson, Walker, Weed, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1186—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1186 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Finn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Reily, Roseberry, Stetson, Strobbridge, Thompson, Walker, Weed, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1187—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1187 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Curtin, Cutten, Finn, Hare, Holohan, Kennedy, Leavitt, Lewis, Stetson, Strobbridge, Thompson, Walker, Weed, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1265—An Act to amend Section 457 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1265 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten, Fynn, Hare, Holohan, Hurd, Leavitt, Lewis, Reily, Roseberry, Strobridge, Walker, Weed, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 703—An Act to amend Sections 3 and 8 of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine in the State of California; to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 30, 1903, and all other laws in conflict herewith," approved March 23, 1907.

On motion of Senator Fynn, Assembly Bill No. 703 was temporarily passed on file, to retain its place.

Assembly Bill No. 1054—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis, to create a fund therefor, to prescribe the duties of the State Board of Health and other public officials with relation thereto, and making an appropriation for the purposes of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1054 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cutten, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reily, Roseberry, Rush, Stetson, Strobridge, Walker, Weed, Welch, and Wolfe—25.

NOES—None.

During the reading of the title, the following amendments were offered by Senator Birdsall:

Amend title to Assembly Bill No. 1059, line 2, of title, after the word "tuberculosis", by striking out the following: "to create a fund therefor".

Amendment adopted.

Title read and approved, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1178—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1178 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Burnett, Caminetti, Cutten, Fynn, Hare, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reily, Roseberry, Savage, Strobridge, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1184—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of an insurance company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1184 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Burnett, Caminetti, Cullen, Estudillo, Finn, Holohan, Hurd, Leavitt, Lewis, Martinelli, Roseberry, Rush, Strobridge, Walker, Weed, Welch, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 11,

Relating to maintaining without reduction the present tariff on wool imported into the United States from any foreign countries.

WHEREAS, The growing of wool is one of the leading industries of the State of California, a large portion of the area of which is made up of lands suitable for the grazing of sheep;

WHEREAS, The wool grown in California can not compete in price with wool imported from certain foreign countries;

WHEREAS, Any reduction by Congress from the present tariff on wool would greatly injure the industries of sheep raising and wool growing in the United States; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That we respectfully urge the Congress of the United States to maintain without reduction the present tariff on wool imported into the United States from any foreign country; be it further

Resolved. That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved. That the Governor of California be, and he is hereby, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives, and to each of our Senators and Representatives in Congress.

Assembly joint resolution read.

The question being upon the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Cullen, Estudillo, Hartman, Kennedy, Leavitt, Lewis, Martinelli, Reily, Roseberry, Rush, Savage, Strobridge, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Assembly Joint Resolution No. 11 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Also: Senate Bill No. 1087—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness fees.

CLIO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 973, 928, and 1087 ordered to enrollment:

Also:

ASSEMBLY CHAMBER. SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 408—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 359½, providing for the time when the statutes of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.

CLIO LLOYD, Chief Clerk of the Assembly.
By **L. B. MALLORY, Assistant Clerk.**

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ANNOUNCEMENTS.

The President of the Senate announced that, in accordance with the provisions of Senate Bill No. 296, as applied to Senate Constitutional Amendment No. 1, he had appointed Senators Curtin, McCartney, and Caminetti.

Also:

That in accordance with the provisions of Senate Bill No. 296, as applied to Senate Constitutional Amendment No. 11, he had appointed Senators Curtin, McCartney, and Caminetti.

And:

That in accordance with the provisions of the resolution of Senator Wolfe, relative to investigating the causes of the high cost of living, he had appointed Senators Wolfe, Welch, and Hare.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty-two minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 824—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Laws,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 7 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 824 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Boynton, Burnett, Curtin, Cutton, Finn, Holohan, Kennedy, Leavitt, Lewis, Martinelli, Roseberry, Rush, Savage, Strobridge, Walker, Wolfe, and Wright—21.

NOES—Senator Weed—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 133—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Holohan moved a call of the Senate.

Motion seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Finn, Holohan, Martinelli, Roseberry, Rush, Strobbridge, Thompson, Walker, and Wright—16.

NOES—Senators Anthony, Bates, Hartman, Hurd, Leavitt, Lewis, Weed, Willis, and Wolfe—9.

Time, eleven o'clock and forty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reily, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Holohan.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 133 was finally passed by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutten, Estudillo, Hare, Holohan, Hurd, Kennedy, Reily, Roseberry, Rush, Savage, Strobbridge, Thompson, Walker, Welch, and Wright—23.

NOES—Senators Anthony, Finn, Hartman, Leavitt, Lewis, Martinelli, Weed, Willis, and Wolfe—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

COMMUNICATION.

The following communication was presented by Senator Holohan, and ordered printed in the Journal:

To the Honorable, the Superior Court of the County of Santa Cruz, State of California.

We, the grand jury for the year 1907-08, do hereby respectfully submit our report as follows, to wit:

The grand jury met October 14, 1907, James B. Holohan, the foreman of the grand jury, presiding.

Geo. C. Staffler was elected secretary.

The grand jury has inspected the public institutions of the county, including

the county jail, the county hospital, and the different county offices, and we find the county jail in good condition, being newly painted and kalsomined. The prisoners appeared to be well cared for.

The county hospital also impressed us as being well managed, the food good and wholesome, and the premises kept neat and clean. We call attention to the great need of fire escapes from the sleeping apartments, and recommend that action be taken by the board of supervisors at once to remedy the danger that menaces the old people who are housed there. We recommend that fire escapes be placed at both ends of the large two-story building especially.

We further recommend that the various buildings of the hospital be painted. We also recommend that the dilapidated old annex to the operating room be torn down and a new building of greater proportions built in its stead. Also that a ward for incurables be constructed at once, and so constructed as to prevent contagion.

We wish to mention that the foregoing recommendations have been made by one or both of the two last grand juries, and that said recommendations have been entirely disregarded, and we believe that these matters are of sufficient importance for the welfare of the patients of the hospital that the board of supervisors should carry into execution all of these recommendations.

In our opinion the nurse at the hospital has done, and is doing, good work, but it is impossible for one man to reach on everything. We therefore recommend that a night nurse be employed; said night nurse also to act in the capacity of watchman.

The Fraternal Order of Eagles brought to our attention the circumstances attending the death of Thomas Kelly, and in this respect we report that from the evidence introduced before the grand jury it was shown that the said Thomas Kelly while being employed in the city of Santa Cruz became afflicted with smallpox. The health officer of the city of Santa Cruz was immediately called in, and he directed that the said Thomas Kelly be sent to the pesthouse at the county hospital, and on the following morning, namely, Saturday, the 25 day of January, 1908, the patient was placed in charge of the county physician, who had the patient transported to the pesthouse at the county hospital.

Thereafter a committee of the Fraternal Order of Eagles waited upon the county physician and stated that they desired to furnish a nurse for Mr. Kelly. They secured the services of a nurse, but the nurse was unable to see the county physician in order to secure the proper permit to take care of the patient. After the patient had arrived at the pesthouse he was given medical attention, but no guard or nurse of any kind was provided for him, and he was left alone on Saturday night, and some time on Sunday night or Monday morning, presumably Monday morning, at an early hour, Mr. Kelly left the pesthouse, leaving part of his personal belongings there, and went away.

Search was made around the city of Santa Cruz, but no trace of the whereabouts of the said Kelly could be found. On the 25th day of January, however, the body of the said Thomas Kelly was found in a creek five miles north of the hospital. When the body was found it was in a bad state of decomposition, showing that he had been dead for some time.

The testimony did not show whether the said Kelly was delirious with fever at the time that he left the pesthouse, but the testimony went on to show that persons afflicted with the disease of smallpox oftentimes become delirious from the high fever that is attendant upon the disease, and it is fair to presume that at the time that the said Kelly left the pesthouse he did not know what he was doing, and that his death was caused by falling into the creek from exhaustion.

While there is nothing in the facts of this case which justifies an official action of the grand jury, yet we wish to emphatically state that negligence has been shown in the care of Mr. Kelly, for the following reasons:

1. A patient afflicted with a contagious disease and who has been committed to the pest house should never be permitted to remain there without a guard or nurse, for the reason that if the patient should escape, either through delirium or because he does not desire to be confined there, he would spread the disease among the people with whom he would come into contact and thereby cause an epidemic of the said disease.

2. A person afflicted with a disease of this kind should never be permitted to be left alone without some person being with him to attend to his wants in the event that he should become delirious with fever.

The grand jury inspected the rock crusher on the Big Tree road. The crusher does good work, but has been operated but a very few days since the time of its purchase. In our opinion a plant that cost as much money as the rock crusher did should not be lying idle so long. We are of the opinion that the crusher can be operated profitably by the county. Recently the sheriff has taken hold of the crusher and put the prisoners to work on it. The fact that Santa Cruz County prisoners are worked on the rock pile will probably influence the hobo tourist generally to eliminate Santa Cruz County from his itinerary.

The charge against A. W. Wyman, supervisor of Supervisor District No. 2, county of Santa Cruz, for willful and corrupt misconduct in office was investigated

by the grand jury, and after hearing all of the evidence and proofs in said matter an accusation in writing was found against the said A. W. Wyman, and the same was, by the foreman, delivered to the district attorney.

Thereafter, to wit, on the 6th day of February, 1908, the trial of the said A. W. Wyman was commenced in the Superior Court of this county, and on the 15th day of February, 1908, the jury having been unable to agree, were discharged. Thereafter, to wit, on the 17th day of March, A. D. 1908, the second trial was commenced in the Superior Court, and on the 25th day of March, A. D. 1908, the jury rendered a verdict declaring that the allegations in the accusation were not true.

One of the most important points involved in this trial was whether or not the said A. W. Wyman received the full amount in the first payment from the Capitola Park Company, to wit, \$450. During the investigation by the grand jury and before the accusation was found the said A. W. Wyman stated that he had received the full amount of this \$450.

Thereafter, and before the first trial of the said A. W. Wyman was commenced in the Superior Court, the person by whom the said money was paid, namely, D. W. Johnston, was compelled by reason of his business to leave the State of California and he was not present during the first trial. At the said first trial the said A. W. Wyman, contrary to the testimony he gave before the grand jury, testified under oath that he had only received \$200 of the said amount of \$450 from D. W. Johnston.

Thereafter the said D. W. Johnston returned to the city of Santa Cruz, and was present during the second trial of said case, and the testimony and evidence of the said D. W. Johnston at the second trial showed clearly and proved beyond all doubt that the full amount of \$450 was paid to the said A. W. Wyman on the first payment. This payment was made to him by means of two checks drawn by the said D. W. Johnston in favor of the said A. W. Wyman. The first one was drawn on July 3, 1908, and the second one was drawn on July 5, 1906, and were made payable to A. W. Wyman, and that A. W. Wyman cashed both checks and endorsed his name on the back thereof, and the said D. W. Johnston further showed by the stub check book, and also by his cashbook, that these amounts applied to the Capitola Park road matter. A. W. Wyman did not testify on his own behalf in the second trial.

The foregoing facts show that when A. W. Wyman testified at the first trial that he received only \$200 on the first payment of \$450, that his testimony was untrue. We called the attention of the district attorney to this matter for the purpose of considering the finding of an indictment against the said A. W. Wyman for the crime of perjury, but the district attorney has advised us that the law is to the effect that the grounds which will disqualify a petit juror will disqualify a grand juror in taking part in an indictment, and if a grand juror is biased by having formed an opinion of the guilt of the accused, based upon evidence heard by them in another action or based upon facts heard outside of the grand jury room, it will disqualify them in finding an indictment against the accused.

Inasmuch as a great many members of this grand jury heard the testimony given at the first trial herein, in which the alleged crime of perjury was committed, and inasmuch as a great many others have formed opinions as to the guilt or innocence of the said A. W. Wyman, based upon what they have heard outside of the grand jury room, we feel that if our disqualification were questioned in court, after their finding of the indictment, it might invalidate the indictment and a great amount of expense would be thus uselessly incurred in finding the indictment, and for this reason we return no indictment against A. W. Wyman for perjury, but we believe it to be the duty of the next grand jury in the face of all the existing facts to consider the matter of bringing in such an indictment.

In regard to the result of the second trial we consider it a rank miscarriage of justice, and we are at an utter loss to see how an acquittal could be had in the face of the evidence produced, but we attribute the verdict to some extent to the deplorable and inexcusable forgetfulness on the part of a great many witnesses for the prosecution.

We further report that during the summer of 1905, A. W. Wyman, as supervisor of Supervisor District No. 2, said county, was authorized by the board of supervisors to sell two sprinkling wagons belonging to said Supervisor District No. 2, and that thereafter said A. W. Wyman sold and delivered said two sprinkling wagons for the sum of \$100. The sale of these wagons was not in accordance with law for the reason that all property belonging to the county, exceeding in value the sum of \$75, should be advertised for sale for thirty days prior to the sale thereof, and we believe that this law should be complied with.

During the deliberations we ascertained that a part of the beach at Twin Lakes has been fenced in by private individuals, the portion which is fenced being public property, and we believe that the law has been violated by these private individuals in so fencing in public property, and we have instructed the district attorney to institute proceedings and to vigorously prosecute the same to a final determination, in order that this property shall be restored to public use.

We ascertained that there has been operated and carried on in the county of Santa Cruz certain unlawful gambling games, among others being the game of roulette, faro, tan, fan tan, and certain percentage games, such as craps, klondike, etc., and we have instructed all of the officers of the law, whose duty it is to prohibit the existence of these games, to arrest and continue to arrest and diligently prosecute all per-

sions whom they have reasonable cause to believe to be maintaining, operating or carrying on any of such unlawful gambling games.

In our investigation of the records of the board of supervisors we have ascertained that in a great many instances the claims for work against the respective road districts have not been properly itemized, and it has been impossible in some instances for the grand jury to determine where work was done for which the county has paid, and we hereby instruct the board of supervisors and all of the county officers, whose duty it is to see that the law is strictly complied with, to disallow and reject any claim for road work which does not specifically set forth the point or place where the work was performed, as well as the nature of the service, together with the time that was consumed in doing the work.

In doing and performing road work throughout the respective road districts it is necessary for the supervisors to use certain tools, wagons, sensors and appliances for the purpose of doing this work, and we have ascertained that in some road districts proper and suitable accommodations have been provided for the housing and protection of these tools, wagons, sensors, appliances, etc., whereas in other road districts no such provisions have been made and we recommend that in such districts proper suitable accommodations have been made for the housing and protection of these tools, wagons, sensors, etc., that the board of supervisors immediately acquire or cause suitable means for the housing of these appliances.

The grand jury made a careful and complete examination of the books, records and accounts of all the officers of the county, and especially those pertaining to the revenue, and in all instances we found the books correct and in this respect we wish to compliment the several officers for the efficient way in which they have conducted their respective offices and kept their books, and we also desire to thank the officers for the courtesies which they have extended to this grand jury. In our judgment the services of an expert was not necessary, and we did not therefore employ one. The examination of all of these books, records and accounts was made by a committee organized by the grand jury.

THE HIGHLAND WAY.

During the year 1906 proceedings were taken by the board of supervisors to purchase a private road belonging to the F. A. Hihn Company, known as the Highland Way, for the sum of \$15,000.00. This private road is situated partly in the Paparo Road District and partly in the Saguel Road District. Subsequently a suit was brought in the Superior Court in reference to said matter, which resulted in the adjournment of the proceedings of said board of supervisors held in said matter. No appeal was ever taken on the judgment of the court rendered in that suit and the same has become final.

We are informed that the board of supervisors are again contemplating the purchase of this private road. Knowing as we do from all different parts of Santa Cruz County, from the information we obtain in our respective neighborhoods, we deem this contemplated purchase unadvisable for many reasons, among which may be mentioned the following:

1. The road was constructed by a private corporation for its own use.
2. There is no public necessity for the requiring of this road.
3. The taxes of Santa Cruz County have been increased to such an extent as to become unreasonably burdensome to the property owners and that unnecessary expenditure of public moneys should be avoided to the end that taxes may be materially reduced in the near future.

There were other matters of less importance which came before the grand jury, but we do not deem them of sufficient importance to mention them in this report.

In reference to the purchase of the so-called Highland Way, the grand jury, adopted the resolution which is hereto attached and made a part of this report; and we believe that for the interest of the county of Santa Cruz this resolution should be carried out by the board of supervisors.

We further report that we investigated the testimony of Walter J. Barnett, which was given in the matter of the estate of Ellen M. Colton, deceased, and we have returned an indictment against the said Walter J. Barnett for perjury.

We further report that in the matter of the cutting of the redwood trees in the California Redwood Park we have made a supplementary report which is hereto attached and made a part hereof.

Dated Santa Cruz, April 17, 1909.

JAMES B. HOLOHAN, Foreman.

GEORGE C. STAFFLER, Secretary.

IN THE MATTER OF THE INVESTIGATION OF THE CUTTING OF REDWOOD TREES IN THE CALIFORNIA REDWOOD PARK.

The matter of the cutting of redwood trees in the California Redwood Park was brought to our attention by certain members of the Sempervirens Club and also by the statements made in the public journals throughout the State to the effect that live redwood trees had been cut in the State Park and a committee of this grand jury was appointed to investigate said charge for the purpose of ascertaining

whether or not there was any fraud or crime involved in the making of the contract for the cutting of said redwood trees.

Said committee personally visited the park and made their report to this grand jury and thereupon numerous witnesses were subpoenaed and testified in reference to said matter and upon all of the testimony given before this grand jury and our findings are as follows:

A. That there has been no evidence to show that in the execution of said contract there has been any crime committed or any fraud perpetrated, which would justify this grand jury in bringing in an indictment.

B. We find that on March 16th, 1901, an Act of the Legislature of this State was approved authorizing the purchase of the California Redwood Park for the sum of two hundred and fifty thousand (\$250,000) dollars, a portion of which Act reads as follows:

"Whereas, The redwood forests of California are rapidly disappearing before the demands of commerce and the ravages of fire, and will shortly be extinct unless adequate means are taken for their perpetuation; and

Whereas, These trees are the oldest and largest in the world, and, being peculiar to California, contribute to her fame, and are naturally the subject of State pride and protection, therefore, it is enacted that

"Section 1. The Governor of the State of California and four other commissioners appointed by the Governor shall constitute the California Redwood Park Commission, whose duty it shall be to select such land from that tract of land commonly known as the Big Basin, situate in Santa Cruz and San Mateo counties, in the State of California, upon which are growing trees of the species known as sequoia sempervirens, and which, in the judgment of said commission, is most suitable for a park, the purpose of which is to preserve a body of these trees from destruction, and maintain them for the honor of the State of California and for the benefit of succeeding generations. The commissioners appointed by the governor shall hold office for four years. Vacancies shall be filled by the governor."

C. Under and by virtue of the terms of this law the Honorable Henry T. Gage, who was then governor of California, appointed four commissioners namely, Rev. Robert E. Kenna, president of Santa Clara College; W. H. Dudley, professor of botany of the Stanford University; W. H. Mills, land agent of the Southern Pacific; A. W. Foster, president of the Northwestern Railway Company, also a Regent of the University of California, and afterwards H. S. Kron of the county of Santa Cruz, was appointed a member of said commission.

Thereafter, in 1905, the law was amended and under and by virtue of the terms of the new Act of the Legislature the management of the park was taken away from the commissioners hereinbefore named and the law created a new board composed of the Governor of the State of California, Secretary of State, the Attorney General, and the State Forester, whose office was created under the act of 1905.

D. We further find that on the 31st day of August, 1907, the commissioners of the California Redwood Park, by and through G. B. Lull, the State Forester, attempted to enter into a contract with one W. M. Elsom, under the terms of which the said W. M. Elsom was permitted "to cut and remove and manufacture into lumber and other timber products all of the dead and down fir wood, and all the marketable dead and down oak and madrone wood and all down redwood trees, in that portion of the said park situate east of Waddell Creek, and in addition such standing redwood trees therein as may be designated by the said first party," for which the said William M. Elsom was to pay the following sums, to wit:

All fir, oak and madrone at the rate of fifty (50) cents per cord.

All redwood used as lumber, or split or sawed into shingles, shakes, ties, posts, pickets, or other salable material, at the rate of one dollar and fifty cents (\$1.50) per thousand feet.

All redwood cordwood free.

It is further stipulated in said contract that all such wood and timber products so to be paid for should be measured on board of cars at the shipping point by the said parties hereto, before the same are shipped.

It is further stipulated in said contract that the said W. M. Elsom should not in removing any of said timber cut, destroy or damage any green or growing timber or construct any roads or skid ways on said land.

It is further stipulated that said agreement shall terminate at the end of one year from the date thereof, but that the said William M. Elsom shall have such further time as may be reasonable within which to remove and ship all timber and wood then cut and manufactured by him under the terms of the contract.

E. We find that under the terms of this contract the very spirit and letter of the Act of the Legislature authorizing the purchase of said park has been grossly and inexcusably violated in this, to wit:

The Act authorizing the purchasing of the park provides that the purpose, for which it was purchased was to preserve a body of these trees from destruction, and maintain them for the honor of the State of California and for the benefit of succeeding generations:

Whereas, under the guise of said agreement fifty or sixty live redwood trees, some of which measured nine feet at the cut, have been cut and manufactured into ties, posts, pickets, grape-stakes, etc. That in the felling of said trees other live red-

wood trees have been injured and destroyed, as well as having destroyed much of the undergrowth which tends to beautify said park.

¶ We further find that in the manufacture of said live redwood trees into ties, etc., the debris, brush, and rubbish is permitted to remain upon the ground, and according to the testimony of witnesses who have had years of experience in the timber business, said brush and debris is the greatest fire menace that could exist.

Expert timber men have testified that said trees were not dead and that if they had been permitted to stand there would have been no fire menace as now exists and that on account of the debris, brush, etc., which now remains upon the ground the fire menace has been greatly increased.

In this respect we wish to suggest that the contract does not require the contractor to clean up and burn this debris, but that it must be cleared up and burned at the State's expense, and the testimony of the witnesses who have appeared before the grand jury say that the money derived by the State for the sale of the wood will in no way be ample to defray the expense of cleaning up and burning said debris, and the result will be that this great fire menace will remain in said park for an indefinite time.

¶ It is the theory of the State Forester, as testified to by him, that the large redwoods which were cut, having been burned, that they were practically dead, and were not only a fire menace, but that they detracted from the beauty of the park.

In this respect we desire to state that we called before us, as witnesses, men who have lived in and about the redwoods in this county from ten to forty years, and they are unanimous in saying that it is almost impossible to kill a redwood by fire. All of these witnesses visited the park and personally inspected the trees which had been cut, and they have all testified that while the trees had been visited by fire, yet most all of them were green with foliage, and that if those few trees where the foliage had not yet reappeared had been permitted to stand that the foliage would have reappeared in a short time and they would have been as attractive as the other trees in the park.

We further find that most of the trees, which have been cut, have been cut next to the road through the park, almost at the entrance into the park, and that instead of beautifying the park by the cutting of them it has left a scene of waste, ruin, desolation and sadness.

We further find that the provision of the contract requiring the measuring of the wood on board the cars has been absolutely neglected and that no person, other than the contractor himself, could give any information to the grand jury as to how much wood, timber, etc., had been taken from the park.

We further find, that while the contract provides that the contractor shall not build any roads or skid ways, yet he is permitted to sled his wood to the main traveled road, and that by reason thereof much of the undergrowth and many of the young trees have been and are now being destroyed.

¶ We further find that the county of Santa Cruz constructed a road into the said park, which cost the taxpayers of this county some twelve or fifteen thousand dollars, and that while a shorter route of travel might have been selected by the purchase of the so-called Bloom road, yet the heavy teaming, which would necessarily come over the Bloom road in hauling out wood, timber, etc., from the property other than the park, would make it hazardous to travel said road, and that the dust caused by said heavy teaming would be a great annoyance and inconvenience to the tourists visiting said park. The county, therefore, constructed a new road, as heretofore stated, but now, on account of the said contract with the said W. M. Elsom, the very hazard, inconvenience and annoyance that was sought to be avoided actually exists and will exist for an indefinite time, for the reason that all of the wood, timber, ties, posts, etc., amounting in all to several hundreds cords, must necessarily be hauled over the road so constructed by the county of Santa Cruz; and the said road being exceedingly narrow in certain portions thereof and being built on the side of a high mountain, it will be absolutely dangerous for people who are inexperienced in mountain travel to pass wagons heavily loaded with wood, to say nothing of the dust created by said heavy teaming.

¶ We further find that in the letting of said contract to the said W. M. Elsom, bids were not invited, nor was any notice given that said contract was to be let, but in this respect we find that another contractor submitted his bid to the State Forester, which bid, in our opinion, was far more advantageous to the State and for the benefit of the park, and it was submitted by a person thoroughly familiar with the park and who was and is a man thoroughly trustworthy, honest, and reliable. His bid, in our opinion, was more advantageous to the State for the reason that under the terms of his bid he was to pay for the said wood by the cord instead of by the thousand feet, and further, that under his bid he agreed to pile up the debris under the supervision of the State Forester, and we believe that under the terms of his bid the State would have received a greater compensation for the wood that was to be taken.

We further find that in the carrying out of said contract with the said W. M. Elsom the State Forester has been negligent in visiting said park for the purpose of inspecting the cutting of said redwood trees. According to the testimony given before the grand jury he visited the park but once after the contract had been let

let until the agitation was commenced relative to the cutting of said trees and he has been there but twice since that time.

We further find that the said State Forester came to the State of California for the first time about two years ago, and that before coming to the State of California he had absolutely no experience with redwood trees.

We further find that the Park Warden has neglected his duty to visit said park and to ascertain what trees were being cut and what was being done in said park.

In this respect the testimony shows that the Warden makes his residence in the town of Boulder Creek and visits the park not more than once a week and then does not go through the park to the extent of seeing what wood or trees are being cut.

From the foregoing findings our conclusions are:

1. That the cutting of said redwood trees in said park under the guise of said contract is an outrage and a shame.

2. That the commissioners, in attempting to enter into said contract, have exceeded their powers, for the reasons that the letter and spirit of the act of the Legislature authorizing the purchase of the Big Basin Park have been and is being grossly violated, and therefore said contract is absolutely null and void.

3. We believe that no more trees, either redwood or other trees, and no undergrowth of any kind or description should be cut in said park except such as are necessary to cut for the purpose of building roads and fire trails.

4. That the wood, timber, split stuff, etc., now remaining in said park should never be permitted to be removed and that the contractor's redress, if any he has, should be sought against the officials who entered into said void contract.

5. That by reason of the inexperience of the State Forester and on account of the neglect of duty on the part of the Park Warden and on account of the errors which were committed by the Assistant Park Warden in designating live trees to be cut they and each of them should be removed from office, and in our opinion the old law authorizing the appointment of four commissioners by the Governor, is the only fit law under which the park can be maintained and protected for the reason that the State officials have little or no time on account of their official duties to look after the interests of said park, but have permitted the same to be maintained solely according to the judgment of the State Forester.

In this respect we state that the testimony shows that the Governor has never yet visited said park. The Attorney General has never yet visited said park, and up to the time of this agitation relative to the cutting of the redwood trees the Secretary of State never visited said park; whereas, under the old law the commissioners took a deep interest in the welfare and maintenance of the park and took every precaution to protect and preserve it as nature intended it to be.

Therefore, in order to prevent the further cutting of trees and the removal of the wood and split stuff that now remains in the park the district attorney is hereby authorized and directed to institute such proceedings as in his judgment are necessary to annul said contract and prevent the removal of said wood and split stuff from said park; and we recommend that the board of supervisors of this county take such steps as are necessary toward the passage of an ordinance preventing heavy teaming on the road so constructed by the county of Santa Cruz.

STATE OF CALIFORNIA.

COUNTY OF SANTA CRUZ, ss.

I, H. H. Miller, county clerk of the county of Santa Cruz, State of California, and ex officio Clerk of the Superior Court in and for said county, do hereby certify that I have compared the foregoing copy with the original "Report of the Grand Jury to the Superior Court of the county of Santa Cruz, State of California, for the year 1907-08," in so far as the name relates to the matter of the investigation of the cutting of redwood trees in California Redwood Park, and as said report now remains on file in my office; that the same is a full, true, and correct transcript of such original, and of the whole thereof, in so far as the same relates to said investigation.

Attest my hand and seal, this twentieth day of January, A. D. 1909.

[Seal.]

H. H. MILLER, County Clerk.

By HARRY E. MILLER, Deputy Clerk.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Weed:

Resolved, That the Controller of the State is hereby directed to draw his warrants, and the Treasurer of the State to pay the same, out of the contingent fund of the Senate, in favor of Charles R. Detrick, Journal Clerk of the Senate, and C. F. Galbreath, J. F. Nash, and W. R. Byrne, Assistant Journal Clerks of the Senate, each for the sum of fifty dollars (\$50.00), for remaining after the final adjournment of the Senate as long as may be necessary to properly correct the copies of the Journals and deliver them to the Secretary of State, who will certify to the reception of the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

By Senator Bills:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate, for the sum of \$129.52, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

Wells, Fargo & Co.	\$55 77
J. L. Martin, incidentals	17 50
John Breuner Company	1 25
Whiskey Hill Water Company	30 00
Kane & Trainor Ice Company	20 00
H. S. Crocker Company	5 00
	<hr/>
	\$129 52

Resolution read, and referred to Committee on Contingent Expenses.

And:

By Senator Roseberry:

Resolved, That the Controller of the State be, and he is hereby, directed to draw his warrants, and the Treasurer of the State is directed to pay the same, out of the contingent fund of the Senate, in favor of J. F. R. Arellanes, Assistant Minute Clerk, for the sum of \$50.00, for necessary work to be performed by him in completing the records of the Senate, and aiding in preparing the same, for delivery as required by law, and performing other necessary services in bringing to a close the work of the department.

Resolution read, and referred to Committee on Contingent Expenses.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1215—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from jury service.

On motion of Senator Wolfe, Assembly Bill No. 1215 was temporarily passed on file, to retain its place.

Assembly Bill No. 1036—An Act to add a new section to the Penal Code, relating to recording notice of location of mining claims.

On motion of Senator Caminetti, Assembly Bill No. 1036 was temporarily passed on file, to retain its place.

MOTION.

On motion of Senator Leavitt, the hour for the cessation of the consideration of Assembly bills was continued until the final disposition of Assembly Bill No. 99.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 99—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Willis moved a call of the Senate.

Motion carried.

Time, twelve o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and eleven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Willis.

The roll of absentees were called.

Whereupon the President announced that Assembly Bill No. 99 was finally passed by the following vote:

AYES—Senators Anthony, Bates, Bills, Boynton, Cutten, Estudillo, Finn, Hare, Hartman, Kennedy, Leavitt, Lewis, Price, Reily, Rush, Savage, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Bell, Birdsall, Caminetti, Curtin, Holohan, Roseberry, Thompson, and Walker—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed the following Committee on Conference on Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—to meet a like committee from your honorable body: Messrs. Mott, Hewitt, and Silver.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 812—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable, that the Assembly on this day refused to recede from Assembly amendments to Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class—and have appointed the following Committee on Conference: Messrs. Beardslee, Cogswell, and Hans—and respectfully request your honorable body to appoint a like committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. announced that he had appointed Senators Price, Leavitt, and Wright as a committee on conference on Senate Bill No. 1170, to meet with a like committee from the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Assembly are hereby respectfully requested to act on Senate Concurrent Resolution No. 22, in order that the Senate may be advised as to the time set for the cessation of work on Senate or Assembly bills.

Resolution read and adopted.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 1220—An Act to amend Section 928 of the Penal Code of the State of California, relating to duties of grand juries—report that we have met a like committee of the Assembly, consisting of Assemblymen Mott, Hewitt, and Silver, and we report that the Conference Committee agreed upon and recommend the Assembly concur in the Senate amendments.

STETSON,
RUSH,
MARTINELLI,

Committee on Free Conference.

Report read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Controller be, and he is, authorized and directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of \$56.85, for mileage, telegrams, hack hire, and hotel expenses on trip to Palo Alto, with subpoena for Senator Black, and the Treasurer is authorized and directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At twelve o'clock and twenty minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator Caminetti, granted leave of absence for this day.

Senator Campbell was, on motion of Senator Caminetti, granted leave of absence for this day.

Senator Sanford was, on motion of Senator Caminetti, granted leave of absence for this day.

Senator Curtin was, on his own motion, granted leave of absence for Wednesday, March 24, 1909.

Senator Savage was, on his own motion, granted leave of absence for Wednesday, March 24, 1909.

CALL OF THE SENATE.

Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cullen, Hartman, Holohan, Kennedy, Leavitt, Price, Reily, Roseberry, Rush, Savage, Walker, Weed, Wolfe, and Wright—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

By Senator Price:

Resolved, That the sum of \$31.00 be, and the same is hereby, ordered paid to the Sergeant-at-Arms of the Senate, payable out of the contingent fund of said body for expenses and mileage in going to and from Palo Alto under order of the Senate. The Controller is hereby ordered to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Also:

By Senator Kennedy:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant, payable out of the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of five hundred eighty-one and thirty-three one-hundredths dollars in payment of the bills hereto attached.

Alex. Anderson	\$2 00
H. S. Crocker & Co.....	466 65
Postal Telegraph Company.....	1 93
H. E. Sleeper.....	25
Scott, Lyman & Stack.....	110 50
	<hr/> \$581 33

Also:

By Senator Burnett:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of \$403.90 in payment of the attached claims, the sum being on account of expenses incurred by the Federal Relations Committee in their investigations of the advance of railroad and express rates in California, as per committee substitute of February 3, 1909, for Senate resolutions of Senate committee, regarding increase of railroad rates and increase of express charges.

J. L. Martin, mileage and expenses.....	\$212 70
Earl Freeman, taking testimony.....	16 75
H. M. Payne, transcript of testimony.....	57 00
E. M. Bray, expense account.....	10 00
R. J. Somers, expense account.....	9 60
Geo. Minott, expense account.....	48 20
R. D. Carpenter, expense account.....	12 85
J. O. Bracken, expense account.....	10 00

W. C. Donnelly, express account.....	\$10 00
S. Wacholder, expense account.....	10 00
E. D. Beard, expense account.....	6 80
	<hr/>
	\$403 90

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Hare, Hartman, Holohan, Kennedy, Leavitt, Martinelli, Price, Reilly, Savage, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

By Senator Estudillo:

Resolved, That the Secretary and the Assistant Secretaries of the Senate must, at the close of this session of the Legislature, mark, label, and arrange all bills and papers belonging to the archives of the Senate, and deliver them, together with all the books and papers of the Senate, to the Secretary of State, who must certify to the reception of the same, and for such services each officer herein named is allowed the sum of fifty dollars, the same payable out of the contingent fund of the Senate, and the Controller of State is hereby directed to draw his warrant in favor of the above named officers in the said sums, payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Curtin, Cutton, Estudillo, Hartman, Holohan, Leavitt, Martinelli, Price, Roseberry, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was submitted the following resolution:

WHEREAS, Wells, Fargo & Co.'s Express, now engaged as a common carrier of interstate and other commerce, has lately made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

WHEREAS, It is alleged that a combination limiting territory and for the maintenance of rates exists between the various express companies of the United States, whereby the express business of the Pacific Slope is to be carried by Wells, Fargo & Co.; and

WHEREAS, It is alleged that some of the transcontinental railroads are also interested in said combination, and are aiding same by special privileges; and

WHEREAS, Such combination, if any exists, is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance in such express rates with relation to the reasons therefor, the effect thereof on the merchant, the shipper, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable: be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary: be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign, for duty to such committee such stenographers and clerical assistants, now in the service of the

Senate, as may be necessary in such investigation; and that said committee be furnished with all necessary assistants and equipment for the proper conduct of said investigation.

Also:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have, it is alleged, since the first day of January, 1909, made a material advance in freight rates from eastern points to and from all points in the State of California:

WHEREAS, It is alleged such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars:

WHEREAS, It is alleged such new rates are unjust and unreasonable, in view of the alleged fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in protest against such increase, and have organized with the object in view of securing relief from the burden alleged to be imposed thereby;

WHEREAS, It is alleged that the consumers of this State are sufferers by this action of such companies in common with the merchants, shippers and producers: therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchants, the shipper, the producer, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendation and suggestions for remedies looking to the relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commerce Commission, embodying the attitude of the people of California on the subject, and asserting their rights to relief from the unjust burden, if any there be, so as aforesaid alleged to be placed on all material interests of California and her people: be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee, such stenographers and clerical assistants, now in service of the Senate, as may be necessary in such investigation, and that said committee be furnished with all necessary assistants and equipment for the proper conduct of such investigation.

Report as follows: That from time to time the chairman of the committee was desirous of taking up the investigation of increased freight rates, both by the various transportation companies and also Wells, Fargo & Co.; but owing to the great press of business upon the Senate and the various members thereof, and particularly the members of this committee, it was impossible to make an investigation as required by the foregoing resolution.

Finally, the chairman called a meeting of the committee on the — day of March, 1909, at which meeting by motion duly made and carried, the quorum of the committee was fixed at two members. At that meeting the chairman was also instructed by motion made and carried to subpoena such witnesses as in his judgment seemed proper to conduct an examination.

Pursuant to said motion, the chairman subpoenaed the following named gentlemen, representing the various interest placed after their names, all of the same having their places of business in San Francisco:

C. H. Bentley, California Fruit Cannery's Association.

Joseph Durney, Griffith & Durney.

W. C. Barnard, Barnard & Bunker.

A. H. Rising, Chief Rate Clerk of the Southern Pacific Railroad Co.

W. C. Donnelly, Chief Rate Clerk of the Santa Fe Railroad Co.

G. W. Luce, General Freight Agent of the Southern Pacific Railroad.

Edw. Bonnhelm, Treasurer and Manager, Weinstock, Lubin & Co.

Geo. Newman, President Newman & Levinson.

S. L. Leszynski, President of S. L. Leszynski Co.

Russell D. Carpenter, Auditor of Hale Bros., Inc.

Louis T. Samuels, Luce House.

J. O. Bracken, Manager of the California Commercial Ass'n.

A. Christensen, Vice-President and General Manager Wells, Fargo & Co.

The following named of the gentlemen summoned were not served, owing to their absence from the city of San Francisco:

A. H. Rising, Chief Rate Clerk of the Santa Fe Railroad, said to be in Portland.

C. M. Luce, General Freight Agent and General Manager of Southern Pacific Railroad, said to be in Chicago.

A. Christensen, Vice-President and General Manager Wells, Fargo & Co.

On Friday, March 12th, at two o'clock, said committee met in Room 82, Capitol Building. Present: Senators Burnett, chairman, and Bills.

The stenographer appointed by the clerk of the Senate, Mr. H. M. Payne, did not

appear when the meeting was called to order, and the committee was seated without him.

Mr. C. H. Bentley of San Francisco, of the California Fruit Cannery Association, stated as follows:

That the increased freight rates, which went into effect on the first of the year on all transcontinental roads eastbound, was a great hardship upon the shippers; that some of the former rates have been in effect fourteen years, during which time the carriers required shippers to ship in large units in order to secure the minimum carload rates, and many other economies in transportation have been effected.

That the reason of the increase in cost of transportation of a large portion of freight eastbound, has amounted to 10 cents on one hundred pounds. In some classes of freight moving eastward in large quantities the increase has been greater than 10 per cent.

That the shippers feel that the increased freight rates has placed them at a distinct disadvantage in marketing their products and that the increase is unwarranted by the present financial condition of the roads. That the question of whether or not the increase is warranted is a proper subject of investigation; that it would be of great assistance to the shippers of California to have the question of the justification of the increase of rates properly examined into by a committee of the Senate, which could conduct an impartial and proper investigation, as between the various transportation companies.

Mr. Bentley cited various instances of increased rates, which he thought were unwarranted, particularly the increase upon canned goods.

At this stage of the procedure, Senator Wolfe arrived and objected to the conduct of the investigation, upon the ground that there was not a quorum of the committee present. Upon examining the rules of the Senate, it was discovered that a quorum of the committee could be fixed at not less than one third of the committee, and as the committee contained but five members, two members present constituted a quorum, upon which Senator Wolfe withdrew his objection, based upon the ground that a quorum was not present.

The committee then adjourned to meet again at 4:30 o'clock p. m.

At 4:30 o'clock, the committee again was called to order by the chairman, Senators Black and Bills being present. Senator Wolfe came in late.

The committee then proceeded to examine Mr. W. C. Donnelly, Chief Rate Clerk of the Santa Fe Railroad Company.

Mr. Donnelly stated that there had been an increase in rates upon transcontinental freight rates from California to the East and from the East to California, amounted in many instances to 10 cents on 100 pounds. He stated that the railroad felt that the increase was necessary for the reason that for a number of years the railroads had been carrying California commodities to the East at figures that they did not consider remunerative.

That on dried fruit the increase was 10 per cent on 100 pounds. Also on beans and peas dried that the rate would be reduced to all points west of the Missouri River. That is, the beans and peas which are now carried at 85 cents per hundred pounds will probably be reduced to 75 cents. He also stated that dried fruit and canned goods would constitute 50 per cent of the total of eastbound freight.

That he believed the statement that the recent increase of freight rates amounted to \$10,000,000 per annum is purely theoretical, and that the California shippers could increase the price of their goods.

That the endeavor on the part of the railroads to operate the roads very cheaply had resulted in the curtailing of the expenses of operation and finally resulted in too much curtailing and that the railroads found themselves without equipment. It was necessary to increase the rates in order to properly equip the road.

That the increase in rates was made by the Transcontinental Traffic Bureau, which is an association of the various representatives of the transcontinental roads. That he believed that the rates on peas and beans and split peas were about to be restored, and that the restoration was made after investigation by the railroads themselves, thinking that a lower rate was necessary in certain territories.

Mr. Donnelly also said that the general increase on canned goods and dried fruits amounted to a rise of 10 per cent. He admitted that the railroads were paying their usual dividends and that the railroads have always figured on a rate that would pay a fair return on the money invested and still keep up the repairs.

Mr. Donnelly stated further that he believed that the articles would bear the increased rates and that it was not all the traffic would bear, and admitted that the company was making money under the former rates.

He stated that there were some articles upon which a reduction had been made, but he could not name them.

Also, that within the last few years the Santa Fe, in connection with the Southern Pacific, has bought the Northwestern Pacific. The meeting then adjourned to meet again at 8 P. M.

EVENING SESSION, 8 P. M.

W. C. Donnelly was recalled, and stated that he did not know anything about the rates wholly within the State of California, as that did not come within his department.

Mr. Edward Bonnheim, called as a witness, testified as follows: That he is a member of the firm of Weinstock, Lubin & Co., of San Francisco, that he was more familiar with the Wells, Fargo & Co. rates than with the railroad rates; that there has been an increase in the Wells-Fargo rates, owing to the fact of the doing away with their rates.

That prior to the new schedule enforced between New York and the city of San Francisco, the rate was 8 cents per pound from 10,000 to 20,000 pounds; \$9.00 per hundred for 5,000 to 10,000 pounds; \$10.00 per hundred for 2,000 to 5,000 pounds; \$100.00 per hundred from 1,000 to 2,000 pounds, and \$12.00 from 500 to 1,000 pounds; \$13.50 from 100 to 500 pounds.

That the withdrawal of the bulk rates in December of last year resulted in an advance of 35 per cent by the withdrawal of the 2,000 pound rate, and an advance of 50 per cent by the withdrawal of the 5,000 pound rate; an advance of 66 $\frac{2}{3}$ per cent by the withdrawal of the 10,000 pound rate, and that the withdrawal of the 20,000 pound rate amounted to an advance of 92 8-10 per cent.

That the use of the express in furnishing goods and novelties was now a necessity, owing to the fact that it was necessary to have great speed because of the change of fashions; that the use of the express in business is no longer a luxury, but an absolute necessity.

Mr. Bonnheim further stated that he believed that great good could be accomplished by an investigation of freight rates by this committee, after the adjournment of the Senate, in the way of gathering information both from the companies and from the merchants, and thereby furnishing to the general public such information as an impartial committee might obtain. That the influence upon public opinion would be very great and that the committee could make such recommendation as might to them seem proper.

That he believed that the officers of Wells, Fargo & Co. feel that the rate is too high. That this increase of rate not only affects the merchant, but also the consumer. In most instances it being passed on to the consumer.

That the increase of the use of the express by the merchants is very rapid, and shipments to-day are much higher than were formerly and that they will still continue to increase. That Wells, Fargo & Co. is not the only express company that operates in this territory. That he believed this investigation is the proper thing for the Senate to undertake, and does not think that harm will come to either one party or the other from it. He thinks that it is very wise.

The merchants of San Francisco are of the opinion that San Francisco is discriminated against and that if the Senate succeeds in arousing a laudable public sentiment it would be of service to the community, for it is believed that the express companies are taxing San Francisco too heavily. The reduction of express charges would be felt by the consumers and the general public.

Mr. J. O. Bracken, agent of the California Commercial Association, then testified, practically verifying the statements made by Mr. Bonnheim. When questioned as to the proper cost to the State generally by the removal of the bulk rate by Wells, Fargo & Co., he stated that it was very great, but it was impossible to say how great.

That express charges within the State of California were far in excess of the rates under the rule laid down by the Interstate Commerce Commission, which fixed the express rates not to exceed three times the first-class freight rates; that in large portions of California, the rates charged by Wells, Fargo & Co. have far exceeded three times the first-class freight rate.

That an investigation by a holdover committee, he thought, would be of benefit to the shipper and to the general public; that Wells, Fargo & Co. had invested in their business the sum of \$1,600,000; that is their total investment. Their net earnings for operating for the year 1906 were \$2,544,962.00, being about 150 per cent profit.

For the year ending December 31, 1907, on the lines in the United States only, the gross earnings were \$22,135,122.00 and their operating expenses \$19,347,325.00, leaving net earnings for operating only express proper in the United States, \$2,787,797.00.

The committee then adjourned to meet March 13th at 1:30 p. m.

Mr. Carpenter, called as a witness, testified that the comparison between westbound tariff No. 1H, effective January 1, 1909, transcontinental freight tariff, compared with the westbound tariff No. 1G and amendments thereto, being commodity rates in instances prior to January 1, 1909, showed a very marked increase in a large number of commodities westbound, used by Hale Bros. That in many of these articles the raise is felt by the merchants, that on the other hand the raise in rates is felt by the consumer, the merchant increasing his price to meet the conditions.

That as regards Wells, Fargo & Co.'s express, the witness agreed with Mr. Bonnheim. He also stated that he believed an impartial investigation conducted by the committee would result in great good, particularly as it might tend to determine the question of whether the increase rate was justified or not. That he was not prepared to say that it was not justified, as he did not know the railroad side of the question.

That the committee might gather information which would tend to show the real condition which, in his opinion, would be of general benefit to the community. That the railroad companies and the merchants are natural partisans in this freight rate

raise. One says that they are not making enough money, the other that they are making too much.

That he believed an investigation from either interest would bring out the facts of the case as to whether the carriers are earning too much or too little on their investment. It would bring out a great deal of good either to one side or the other, and perhaps to both sides. It is his belief that the railroad itself can not always tell whether it is making a profit on a given commodity or not. The committee could create a public sentiment, and would bring about more uniform information.

Mr. George J. Bradley was then called, and stated that he is the traffic manager of the Merchants and Manufacturers' Traffic Association of Sacramento.

He stated that he believed great good could be done by their committee in supplying to the public, generally, information which they might obtain in regard to the increase of freight rates, and that there was a large number of shippers and various other authorities of the State that would gladly testify before the committee, and that they had information which they were only too anxious to give to such a committee as this one. That if the rates are not unreasonable and unjust, no harm has certainly been done to the railroad, and the producers and the citizens of California would be satisfied. At least, they would have no reason to be dissatisfied.

I believe that, while it has been our idea that the Attorney General could prosecute an action before the Interstate Commerce Commission upon the question of these rates, your committee could do good work by holding meetings and bringing the various commercial bodies together so as to get information.

That the earnings of the railroad company did not show that the increase is necessary, and that as shown by Harris & Winthrop of 25 Wall street, New York, selling agents for the securities of the Harriman system, who published this statement as agents of the Harriman interests. The gross earnings of the Southern Pacific has increased from \$57,500,000 in 1898 to \$125,000,000 in 1907. Their net earnings have increased from \$14,500,000 in 1898 to \$41,500,000 in 1907. From 1899 to 1902, their ratio of operating expenses was from 62 to 64 per cent; in 1903 the ratio was 68 per cent, also in 1904; in 1905, 66 per cent; in 1906 and 1907, 64 per cent, showing that their ratio of expenses, instead of increasing has decreased within the last three years.

In 1907, their net earnings amounted to \$45,000,000 with \$5,000,000 additional from Wells-Fargo Express and other incomes. After paying all fixed charges and other expenses outside of those, they showed a net surplus of \$29,000,000 in 1907. They paid 7 per cent on preferred stock amounting to \$27,000,000; paid a dividend of 5 per cent of \$10,000,000 on common stock and passed to net balance \$15,700,000. I claim that this shows a very health condition of the road.

Mr. Bradley went into the question as to the increase of freight rates amounting to \$10,000,000. He went with great length into this question, but it can not be put in this report.

Mr. Bradley stated that the consumer was fully as interested as the merchants in the increased freight rate, as most of it was passed on to him by the merchant. He further stated that there were a large number of shippers and producers throughout the State of California who were unorganized, and looked to this Legislature for such a committee as this to assist them, as they were otherwise without help.

That on March 16, 1909, the following gentlemen appeared before the committee, to wit: E. D. Beard, of Napa; Geo. S. Minott, transcontinental rate clerk of the Salt Lake line, Ed M. Gray, of San Francisco, and R. J. Summers of the same place. Messrs. Beard, Gray, and Summers are merchants and shippers, and testified to practically the same things as the other merchants hereinbefore mentioned. Mr. Minott stated that there had been a general increase in freight rates on many commodities, but was unable to state upon what facts the various transportation companies based their increase.

That it was the generally expressed wish of the various shippers and merchants appearing before the committee, that the committee should hold over and conduct a further investigation into transcontinental and other rates which they thought would be of benefit to the State, generally, in assisting to determine whether or not the recent increase in rates was justifiable and furnishing the general public as well as the shippers and producers and merchants with information which they could gain in no other way. Your committee respectfully submits the foregoing report for your consideration and the consideration of the members of the Senate, with the statement that it was impossible during the session of the Legislature to cover the vast field presented to them, and beg the Senators will consider the advisability of a hold over committee and whether or not the same is justifiable.

Your committee further reports that they are unable at the present time to make recommendations required by the resolutions as they have been unable to conduct an investigation of a sufficient scope to warrant them in drawing a proper conclusion from their efforts.

Respectfully submitted.

BURNETT, Chairman.

Report read, and ordered printed in the Journal.

TRANSCRIPT OF TESTIMONY GIVEN BEFORE THE COMMITTEE ON FEDERAL RELATIONS.

The following transcript of testimony given before the Committee on Federal Relations was ordered printed in the Journal:

IN THE MATTER OF THE INVESTIGATION OF THE INCREASE IN FREIGHT AND EXPRESS RATES BEFORE A SELECT COMMITTEE OF THE SENATE, CONSISTING OF SENATORS BURNETT (CHAIRMAN), SANFORD, BLACK, BILLS, AND WOLFE.

Friday, March 12, 1909, at 4 P. M.

W. C. Donnelly was called as a witness and testified as follows:

Senator Burnett: Q. What is your full name?

A. W. C. Donnelly.

Q. You are the chief rate clerk of the Santa Fe Railroad in San Francisco, are you not?

A. Yes.

Q. Do you know, Mr. Donnelly, whether or not since the first day of January, 1909, there has been a general increase in freight rates in the State of California by the Santa Fe road?

A. On transcontinental traffic. I don't know anything about this coast; I don't handle it.

Q. How about the rates from here East?

A. Yes, there has been an advance in rates from California to the East, and from the East to California.

Q. Is that on a fixed percentage? Could you state what the general percentage the rate of increase is?

A. It was not made on a fixed percentage. It was felt by the railroads that an increase in the rates were necessary for the reason that for a number of years, perhaps ten or fifteen years, we have been carrying California commodities to the East at figures that we did not hardly consider were remunerative, but that was simply—it was done from a selfish motive of the railroads, and also to assist the shipper.

Q. What was done for a selfish motive?

A. We wanted to increase the revenue to the East, therefore we carried these abnormally low rates, such as canned goods, dried fruits, asphaltum and the other commodities where the rates have been reduced. For instance, we always carried a lower rate on canned goods eastbound than westbound, and the rates are lower on canned goods eastbound to-day than they are westbound. I believe the westbound rates on canned goods range from probably ninety cents to a dollar—

Senator Burnett: Q. Which way?

A. Westbound.

Senator Bills: Q. What is the rate from Omaha to San Francisco westbound?

A. Ninety cents to a dollar.

Senator Burnett: Q. What is the rate from San Francisco to Missouri?

A. Eighty-five cents, and there is another distinction as between the eastbound rate and the westbound, and that is, that the eastbound rate is a blanket rate; that eighty-five cent rate carries just the same as a postage stamp, we call it the postage stamp rate because it covers the entire territory; that applies from California terminals and also from California intermediate points.

Senator Burnett: Q. To where?

A. To all Eastern territory.

Q. Where is the nearest point that the eighty-five cent rate strikes?

A. Colorado and Kansas, Nebraska, Oklahoma, Indian Territory, Iowa, Illinois, Indiana and Ohio.

Q. Now, Mr. Donnelly, the increase in rate then is mostly—on what products is the increase, on what goods?

A. Was ten cents a hundred on dried fruits, ten cents a hundred on beans and peas dried, but that rate will be reduced to all points west of the Missouri river, that is to the territory west of the Missouri river, such as Kansas, Nebraska, Oklahoma, Indian Territory and Texas. The rate on beans and peas will be restored to seventy-five cents; that was arranged at the last meeting of the transcontinental lines in Chicago for the reason that evidence was brought to bear that that reduction was necessary into those territories in order to place the California beans in those markets.

Q. Are there any other articles, Mr. Donnelly?

A. The asphaltum rate was raised ten cents a hundred pounds.

Q. This is all about the same rate, isn't it?

A. Yes, sir; and by the way the eastern lines were seriously objecting even to make a sixty cent rate to Chicago.

Q. On asphaltum?

A. Yes.

Q. What was the rate before?

A. The rate was fifty cents.

Q. Now, the principal commodities that are shipped from California east are these articles, canned goods, dried fruits, beans and peas?

A. Yes.

Q. Are those the articles upon which this raise has been made?

A. Yes.

Q. Almost exclusively?

A. Oh, yes, there might have been a raise on some other articles. I don't recall Those are the most important.

Senator Bills: Q. On the various articles on which the rate was raised east-bound what percentage of that would be dried fruits and canned goods? It would be more than fifty per cent, wouldn't it?

A. Well, you take all the commodities that I have mentioned there—now I don't think I could give you a fair—I couldn't give you anything definite, but I would say possibly from forty to fifty per cent.

Senator Bills: Q. Isn't it seventy per cent?

Senator Burnett: You mean of the total eastbound.

A. Well, I don't know; I couldn't say, I don't know.

Senator Burnett: Q. As for the reasons for the increase of the rate, Mr. Donnelly, the reason that you have already alleged is the only reason that you know, is it not?

A. Yes, sir; as I stated it has been the policy of the California carriers to put California goods into the Eastern markets to the greatest extent possible, and for that reason they carried rates that they did not consider sufficiently remunerative. When the markets in the East became so that they believed they would stand a higher rate, why we advanced the rate. We have been considering that advance for years and have hesitated to do it, but felt that this was the proper time to do it.

Senator Wolfe: Q. Mr. Donnelly, one of the preambles of this resolution under which this committee is working is as follows: "Whereas, such advance in said rates amounts to a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars." Can you tell us anything with reference to that, if that is nearly correct or if it is wide of the mark or anything of that kind?

A. I believe that that statement is merely theoretical. I don't really believe that the advance in rates will materially be to the advantage of California shippers. I believe they can increase their prices for their goods—

Senator Wolfe: Q. You mean to their advantage or disadvantage?

A. I mean it will not be to their disadvantage.

Senator Burnett: Q. About the amount, are you able to say?

A. No, I couldn't say; but I know this, that California goods have the call in the Eastern markets everywhere they are sold.

Q. You think of anything else, Mr. Donnelly, that you think would have a bearing on this question that you would like to state?

A. Well, there is nothing I could say except this, that a California carrier would be extremely foolish to make a rate from California to the east that is going to hurt his own revenue or is going to decrease the quantity of the California product that is disposed of in the Eastern markets, and there is no California carrier ever contemplated ever doing any such thing as that, and a traffic manager that would advocate anything of that kind would soon be without a position.

Senator Burnett: Q. These freight rates, Mr. Donnelly, that existed prior to the first day of January, 1909, had been in operation—had been the freight rates for quite a number of years prior had they not?

A. Yes.

Q. Under those freight rates in 1908 was the company making a return then for their money as far as you know?

A. Well, a number of years ago the railroad companies began to cut their expenses in every possible direction. I believe that that movement was first started by Mr. Hill of the Great Northern Railroad. He showed the people in Wall street that he could operate his railroad for about ten per cent less than any other set of railroad officials were operating their railroad and this brought about the reduction in expenses and the curtailing of the expenses of operation, in the building of cars and everything of that kind and it finally resulted in too much curtailing and the railroads found themselves without equipment and they were simply putting themselves in a bad position, they had to have more money to make betterments on their lines and to furnish equipment and keep their engines in better repair. We had that trouble on the Santa Fe, and as you know the carriers, the California carriers, have been short of cars for years. They have been trying to build up their lines, and it is really an absolute necessity for them to have more revenue in order to do so.

Q. Now, Mr. Donnelly, this general increase, this increase in rates that you have mentioned here, upon these various goods, was made as I understand it—of course, I am no railroad man and if I am wrong I hope you will tell me right away—it was made as I understand by some kind of a bureau that belongs to the railroads, who meet and fix rates for the various lines?

A. Yes.

Q. So wherever we may say that these rates have been increased on the Santa Fe a corresponding increase is working accordingly, is it, upon all the other transcontinental railroads in California?

A. Yes, sir.

Senator Caminetti: Q. Do you represent the Santa Fe Railroad?

A. Yes.

Senator Burnett: Q. Your official position, Mr. Donnelly, is chief rate clerk, is it not?

A. Yes, sir.

Senator Caminetti: Q. You say these rates are agreed upon by the various representatives of the transcontinental lines? When were these rates agreed upon, if you know?

A. Well, those rates are not really agreed upon; you can't say that they are agreed rates; they are made by concurrence, that is the lines get together, all rates, all business has got to be transacted in that way. Now, the lines get together and they talk these matters over in a meeting, and perhaps the representative of one carrier will say "I think the rate should be so and so," and the others will say, "Well, that would be satisfactory to us," etc., but it is distinctly understood that any line in the making of these rates can take individual action and there is no binding agreement at any time to bind any line to make any rate it sees fit.

Q. What time was it these rates were agreed upon?

A. Well, those rates were concurred in at a meeting held in July, I think, 1908. I wouldn't be positive of the date because I didn't attend that meeting myself.

Q. They were promulgated some time later?

A. Yes.

Q. Do you remember the date?

A. They went into effect January 1, 1909.

Q. Now, were these rates so concurred in filed with the Interstate Commerce Commission?

A. Yes.

Q. At what time do you know?

A. They were filed—well, the law commands the rates to be filed thirty days before they go into effect.

Q. They were filed on the first of December?

A. Yes, they were probably filed about the first of December.

Q. The Interstate Commerce Commission has not given their concurrence to this raise in rates, has it?

A. No, I don't understand that it is one of the duties of the Interstate Commerce Commission to give concurrence in rates, but they haven't indicated their concurrence or non-concurrence.

Q. You have filed them there?

A. Yes, sir.

Q. Suppose a shipper or interested party desires to contest them or raise the question of their reasonableness, what procedure is necessary?

A. A shipper would bring a form of complaint before the Interstate Commerce Commission.

Q. Has that been done in reference to the California rates by any shipper?

A. I don't understand that it has been done.

Senator Bills: Q. Has that been done in the asking of a reduction of rates on peas and beans and split peas, asking that the rates be put back?

A. No, those rates were put back after investigation of the railroads themselves.

Senator Caminetti: Q. That investigation was caused, was it not, by a petition or an application on the part of the shippers of California?

A. Yes, sir.

Q. And there was a meeting between these shippers or their representatives and the representatives of the respective transcontinental lines?

A. Yes.

Q. There has been some change in that, has there?

A. In the rate on beans and peas, yes.

Senator Wolfe: Q. Will you explain why the change was made, Mr. Donnelly, why the reduction was made?

A. Well, it was discovered after due investigation by the carriers on the representation made by the shippers of those commodities out of California that a lower rate was necessary in certain territory.

Q. To meet competition?

A. Yes, to meet competition from other territories and for that reason the reduction was granted.

Senator Caminetti: Q. In certain territories?

A. Yes, sir.

Q. Have you got the territories that these lower rates apply? Have you got them handy now so you can give them to us?

A. Yes, I can tell you just where the seventy-five cent rate applies and where it does not apply. The seventy-five cent rate applies to Colorado, Kansas, Nebraska, Oklahoma, Indian Territory, and Texas.

Senator Bills: Q. It doesn't take in all Missouri River points?

A. No, it doesn't apply to Missouri River.

Senator Caminetti: Q. When did that order go into effect lowering the rates upon those specified articles?

A. Those rates have not gone into effect yet, the reduced rates, but they will go into effect just as soon as the new tariff is printed.

Q. Has there been any time fixed for them to go into effect?

A. There hasn't been any time fixed because the agent of the bureau doesn't know how soon he can get out the information.

Q. So, as a matter of fact, they haven't been lowered?

A. No, sir; they haven't been lowered.

Q. It is only a contemplated lowering?

A. Yes, but it has been finally fixed for a lowering.

Q. But no date is fixed for the lowering?

A. No date; no.

Senator Burnett: Q. You say that the rate on beans and peas and split peas was restored to meet competition, do you mean competition on the part of the railroads or competition on the part of shippers?

A. No, not the railroads.

Q. You mean the shippers?

A. Yes.

Q. Not among the railroads?

A. No, not the competition of the railroads.

Senator Wolfe: Q. You mean competition arising between Eastern products and California products?

A. That is the idea, in order to give to the California market and the shippers an opportunity to do business there and sell their goods.

Senator Caminetti: Q. These contemplated reductions will not take place between California and New York, for instance?

A. No, sir.

Q. Isn't the market in New York subject to as much competition as the market in Oklahoma?

A. We don't find the market so severe against the California product in New York as we did in the western states.

Q. And because it was not so severe then you thought it would be advisable to get more from the California shippers in the way of freights?

A. You see the California carriers are forced to allow a good part of their revenue east of the Missouri river to the eastern lines, therefore they do not earn near as much on New York business as they do on Nebraska and Kansas and Texas.

Q. That is because they go over other lines other than the lines that first take the product? Is that the case, the product goes upon lines that don't belong to the Santa Fe?

A. Yes, sir.

Q. And you make the reduction upon the lines that your company controls?

A. Yes.

Senator Wolfe: Q. Would you have the power, Mr. Donnelly, in order to relieve the California shippers and give them the benefit of lower freight rates, would you have the power or is it within the power of your road to so reduce the rate that it can go to New York, or do you have to submit to other rates fixed by other roads?

A. We have to submit all propositions of that kind to the roads east of the Missouri river and east of Chicago, therefore it is not within our power to do it.

Senator Burnett: Q. Without you come to an agreement?

A. Yes.

Senator Caminetti: Q. The raise in rates, was that a uniform raise and general throughout the United States, I mean the raise that went into effect the 1st of January, or did it apply to any specified part of the United States?

A. Which, the bean raise?

Q. No, all the rates, the raise that went into effect on the 1st of January, to what parts of the United States did it apply?

A. The rates on canned goods, on dried fruits are on what we call a postage basis, that is they cover the entire territory. The territory they cover you might say is east—commencing at the Colorado line all the way through the State of New York and the New England States and north of the Ohio River and north of the line of the Norfolk and Western Railway. There is a higher rate south of the Ohio River and south of the Norfolk and Western Railway, because we have never been able to get the southeastern lines to agree to a reasonable basis of divisions. If they would accept the same divisions of the other roads as lines of the Ohio River accept, we would establish the same rates into southeastern territory.

Q. Isn't it a fact that this ten per cent raise—I think that was the raise, wasn't it?

A. Yes.

Senator Wolfe: Q. Is that a fact, Mr. Donnelly, or was it ten cents a hundred?

Senator Caminetti: Q. Isn't it a fact that that raise doesn't apply to shipments east of the Missouri River?

Senator Wolfe: Q. Will you answer directly whether it is a ten per cent increase on through rates or not?

A. No, sir; it is not a ten per cent increase on freight rates. It happens to be a ten per cent increase of freight rates in the matter of the increase on dried fruit because the dried fruit rate was a dollar.

Q. But generally is it a ten per cent increase?

A. No, sir, it is not a general ten per cent increase: I should say it averages on the commodities that were advanced, I would say it would average from six to ten per cent.

Senator Burnett: Q Some of these rates that have increased where the rate has been seventy-five cents a hundred and it is an increase of more than eleven per cent?

A. Well, that is true.

Senator Caminetti: Q. What I was trying to get at was to what part of the United States did this raise that went into effect on the first of January apply?

A. It applied directly to all the territory that I just described.

Q. Isn't it a fact that it was a raise on shipments that applied to shippers on the west of a certain line?

A. No.

Q. In other words, didn't it practically apply to California shippers or shippers on the Pacific coast, talking about the movement of freight to the East? To what part of the United States did that rate apply, that raise? Did it apply to people who would ship from Chicago to New York or from any part of Indiana to New York?

A. No. I understand what you are getting at.

Q. But it did not apply to California shippers or Pacific coast shippers entirely, didn't it?

A. Yes. Well—I have never gone into the increase of rates that have been made in the eastern territory; I couldn't give you any information on that subject.

Senator Bills: Q. You couldn't say why the rate was increased ten cents a hundred on dried fruits, yet California apples and citrus fruits, which are shipped to the amount of approximately forty thousand cars, and there was no raise from the dollar rate?

A. So far as the California citrus fruits and the deciduous fruits are concerned, the competition in the East is becoming more active continually on this class of freight; the Florida oranges and the Florida grape fruit are pressing the California fruit.

Q. In other words, the citrus fruits have the same competition as the beans and peas and split peas?

A. I don't know; I don't know.

Senator Burnett: Q. Why was the rate raised on citrus and deciduous fruit?

A. It wasn't raised.

Senator Caminetti: Q. Could you supply the committee with the rates as they existed upon all the articles and commodities affected by the raise that went into effect on the first of January, the rates that existed prior to that date?

A. I don't understand.

Q. Could you supply the rates that were in existence prior to the first of January upon all articles that were finally included in the tariff that went into effect upon the first of January?

A. Why I don't catch—

Q. In other words—I withdraw that question. What I want to get at is this, can you supply the committee with the rates as they existed prior to the first of January?

A. Why, yes, I could; only from memory.

Q. Then could you supply the rates as they now exist since the first of January, upon all the articles that are affected by this raise for the purpose of comparison?

A. Yes, I could, on some of these commodities, from memory, but I have no statement here.

Q. I am asking if that can be supplied to the committee hereafter; not today?

A. Yes, sir.

Q. Supply the two rates, the one existing anterior to the first and the rate existing subsequent to the first of January?

A. Yes.

Senator Burnett: Q. That would cause you no expense, you keep those in the office?

A. Yes, we could furnish that information.

Senator Wolfe: Q. Was this raise of rates based upon the principle of all the traffic would bear, or was it brought about by other conditions?

A. No, it wasn't based upon what the traffic would bear. California fruits, California dried fruits and canned goods, in my belief, would sell in the Eastern markets at considerably higher rates than the carriers are making to-day. We believed when those rates were advanced that they wouldn't prove to the disadvantage of the California shipper, and that it was only reasonable so long as we had carried the extremely low rates on those commodities that we had for a number of years that we should make a reasonable advance.

Senator Burnett: Q. That is the theory of the advance by the railroads?

A. Yes, sir.

Senator Sanford: Q. The railroad company had not been losing money, then, prior to that?

A. Well, their statements may not have shown that they were losing money, but their equipment was getting into poor shape, and the roadbeds needed betterments, and there were many other things that the curtailing of expenses for a number of years had brought about that needed to be remedied.

Senator Sanford: Q. They had made a number of improvements and kept along and met competition at the former rate, though?

A. I believe that the railroads were paying their usual dividends under the former rate. I believe that they were—by doing so they were encroaching upon their revenue to do it, that is, they were not keeping up their properties like they should have kept them up.

Senator Burnett: Q. Some of the money that they paid for dividends should have gone into equipment?

A. Yes, sir.

Senator Caminetti: Q. Isn't it a fact they were paying dividends during the very year they made this raise?

A. I think so.

Q. At an increased rate from the dividends prior to that time?

A. I think they were paying the usual dividends.

Q. That can be shown from the record?

A. Yes.

Senator Sanford: Q. In making any kind of a rate, does not the railroad company always figure on a rate that will pay a fair return on the money and still keep up these repairs?

A. Yes, they do.

Q. And the former rate was made with that idea in view and had kept up—

A. No, sir; it wasn't made with that idea in view. I have explained it wasn't with that idea. I explained it was made with the idea of making an extremely low rate so as to put California products into the Eastern markets against all other territories and that was the only policy that a California line could pursue with any degree of certainty, that is, if they wanted to make business for themselves. They wanted to put the California products in the East and that was the whole policy of making rates.

Senator Burnett: Q. If they ship East and had a low rate, what advantage is there of shipping large quantities when they don't get a proper rate?

A. They certainly got some return on the lower rate.

Q. You stated they paid running expenses and all that and paid some dividends?

A. The eastbound rates from California have always been lower where it was possible on California products than the same products from the east to California. There is no reason for that whatever except the policy of the railroad company to get the California product into the Eastern market and to build up the State of California for perhaps selfish reasons of the carrier and at the same time assist the California producer.

Senator Bills: Q. Do you know what the rate is on deciduous fruit, take grapes, from Sacramento or San Francisco to Buffalo and New York? At the recent meeting that was reduced to \$1.45, and the icing charge is ninety dollars in addition to the freight?

A. Yes, sir.

Q. Can you give me the rate on New York state grapes from Buffalo to San Francisco and Portland?

A. No, I can't.

Q. Isn't it \$1.25, with sixty dollars a car icing charges?

A. I really couldn't say what the rate is, but I know this, that there is no rate from the East to the Pacific coast, that will move any business on grapes or any other kind of fruit practically: once in a while we move some apples from Wisconsin or from Kansas at an extremely low rate, but as a matter of fact no eastern fruit can compete on the Pacific coast.

Senator Burnett: Q. Any other questions?

Senator Wolfe: Q. Does any gentleman in the room, that is not connected with the committee, want to ask any questions?

Mr. Bradley: Q. I would like to ask Mr. Donnelly if it is not a fact that the reason the rate on canned goods from California to the East is lower than the rates westbound, it is not because that the class of canned goods that moves from the East into California is composed of corn and such articles that are not produced in California?

A. No, sir.

Q. And that therefore they will stand a higher rate?

A. No, sir; it is not the reason, because there is a separate rate on canned corn which is lower than the canned goods rate.

Q. What class of canned goods do you make the rate when you speak of the rate being ninety cents westbound, what class of goods?

A. Why, the corn rate now, I think, is ninety cents, canned corn, ninety cents Chicago and east—now, I wouldn't be positive about this—and eighty-five cents, I think, west of Chicago.

Q. Isn't it a fact that there is practically no competition on the class of canned goods that moves into California from the East and for that reason you do carry a higher rate because the class of canned goods that come into California from the East are such that they don't come into competition with California goods?

A. No, sir; I think they do come into competition.

Q. What class come into competition?

A. Canned fruits, canned vegetables and all kinds of goods that was mentioned in that item of westbound tariff; they all come into competition with California goods in California.

Q. And there is a movement westbound?

A. Yes.

Q. How can it sell in competition with the California product if it carries a higher rate?

A. Well, on the same principle that you sell eastern beer in California against the California production, because there is a class of people who demand a certain class of goods, and they are going to have them even if they pay higher prices.

Q. Why is it that for a long time when you carried the seventy-five cent rate prior to January 1st to the interior and to the coast cities, and at the same time you actively solicited export business at sixty-five cents, ten cents less?

A. Export business?

Q. Yes.

A. As a matter of fact on export business—I don't know. There may have been a sixty-five cent rate.

Q. Yes, that was the rate.

A. Probably, but it is just on the same principle as every other commodity that is moving to a foreign country is supposed to have a lower rate.

Q. You were not losing any money at sixty-five cents?

A. No; there was very little money in it. The Santa Fe Railroad has carried Asiatic traffic and European traffic and traffic to the Hawaiian Islands, and to Alaska at rates that were not remunerative because they couldn't afford to stay out of the business; at some time they might become remunerative, that is the reason for it.

Senator Caminetti: Q. Mr. Donnelly, you stated a while ago that the statement in this resolution that the added cost to California shippers was ten million dollars, owing to this recent raise, was theoretical. Now, have you any idea what amount that it is intended to raise in addition to that which it raised formerly for your company? For instance, how much more did you expect to get from this raise for your company than you were getting formerly on the same class of shipments?

A. Oh, I couldn't answer. I couldn't answer that definitely.

Q. Have you any means of finding out how much the other companies engaged in transcontinental traffic were going to make by virtue of this raise?

A. No; I don't believe that that could be demonstrated to any very great satisfaction, for the reason it would be necessary, first, you might take the tonnage for last year and the revenue and take the same tonnage, take a corresponding tonnage for the current year and figure on the increased rates then you would get approximately the advance in revenue, but at the same time the increase in rates might possibly curtail shipments and the statement wouldn't be accurate.

Q. Assuming that the California shippers of 1908 would ship as much commodities over the respective lines for 1909, can you then estimate approximately the increase?

A. No, I could not.

Q. Now, isn't it a fact that it is generally understood among the transcontinental lines—that is, the agents of the transcontinental lines, as well as the shippers of California—that the raise will amount to an increase of from eight to ten million dollars as against the California shippers?

A. That is to cover all California lines?

Q. Yes. The loss to California and California shippers and producers, if they ship as much as they did last year, would be approximately between eight and ten million, isn't that the general understanding among railroad men as well as the shipping interests of California?

A. Not that I know of.

Q. Haven't you heard that amount in these various investigations; haven't you heard the amount from eight to ten millions being the amount estimated at the extra cost to the shippers of California by reason of this added rate?

A. I believe I have seen that statement in the newspapers.

Senator Wolfe: I submit he could see that in your resolution, Mr. Caminetti. I would like to ask Mr. Donnelly directly.

Q. Is it your understanding that the railroad companies will take out of the pockets of the shippers of California by reason of this increase of rates of freight from eight to ten million dollars a year?

A. No, sir; I believe the statement is absurd.

Q. This is interstate business, isn't it?

A. Yes.

Q. You have filed a schedule of your rates with the Interstate Commerce Commission?

A. Yes.

Q. If the Interstate Commerce Commission doesn't approve of your rates what becomes of them?

A. Why, they simply never go into effect.

Q. Can you collect this increase of rates of freight from the shippers prior to the approval of the schedule by the Interstate Commerce Commission?

A. We can't collect anything from the shipper on the increased rates until the tariffs are filed with the Interstate Commerce Commission.

Q. Then I understand you to say that you can collect this increase of rates from the time that you file your schedule with the Interstate Commerce Commission?

A. Yes.

Q. Supposing a complaint is made before the Interstate Commerce Commission that these rates are unjust and unfair or discriminative and the Interstate Commerce Commission does not approve of the increase of rate, what becomes of the increased freight charges that you have collected from these shippers on the new schedule?

A. Why, we would have to refund it.

Q. You would have to restore it?

A. Yes, sir.

Q. Has there been complaint made to your knowledge before the Interstate Commerce Commission?

A. Not that I know of.

Q. You don't know whether any organized effort is being made?

A. No, sir.

Q. Does this advance in rates apply to business within the State of California?

A. No, not the advance we are talking about now.

Senator Caminetti: Q. Haven't you been collecting these advanced rates since the first of January upon all shipments affected by the tariff upon these commodities?

A. In the State of California?

Q. Yes. That is, haven't you been collecting these increased rates to the East, interstate?

A. Yes.

Q. Now, you said a while ago that the increase, that this increase affected articles upon which people could ask more for the commodities and hence it would be no injury to the producer?

A. Yes, sir.

Q. Is that the principle upon which the companies acted in making this raise, in order that they should recoup themselves they must raise the prices?

A. Yes, we would understand that the shippers would probably add to the prices of their goods.

Q. Then the companies went upon the principle that the traffic—or the commodity could bear the increase and hence the companies could take a slice of that in addition to what they had been before?

A. Yes.

Senator Wolfe: Q. That is a different answer from what you gave to my question. I want to know if this increase was upon the principle of all the traffic would bear?

A. No.

Q. You just answered that differently?

A. I would have to withdraw that, because I didn't just understand the way it was put. As I said before, that if the rate was made on the principle of all the traffic would bear probably it would be a great deal higher than it is now.

Senator Caminetti: Q. You didn't go as high as the traffic would bear?

A. No, in answer to your question I made the statement that we believed the traffic would bear it, but I didn't say that it was all it would bear.

Q. Isn't it a fact that the earnings of your company have been increasing right along for the last four or five years?

A. It is not.

Q. Isn't it a fact that the earnings of your company increased last year?

A. The transcontinental rates have been changing continually during the last four or five years, but I would say that the reductions that have been made in rates during that period exceeded the advancement.

Senator Bills: Q. What line of California products do you mean now?

A. I mean rates; I mean both eastbound and westbound rates.

Q. Eastbound in the California fruit products, is it a fact that the rate has been reduced?

A. I don't know that California fruit products have been reduced for the simple reason that they were on such a low basis to start with that you couldn't reduce them very much. I explained that, that years ago they were put down to the lowest basis possible.

Senator Bills: Q. Excuse me. I understood you to say that you had reduced rates, that is the reason I asked that question.

A. There has been articles, some articles that are manufactured on the Pacific coast where the rates have been reduced into Texas and other territory and into Colorado in order to put the California manufacturer on a better basis with Eastern competition.

Q. That is a very small percentage of your tonnage, isn't it?

A. Yes, it is.

Senator Caminetti: Q. Your answer to me that the reductions aggregated more than the increases during the last few years, isn't that upon your total business?

A. Yes, that means both the east and westbound traffic.

Q. On all the business?

A. Yes.

Q. Now, then, I ask you the same question in relation to California shipments to and from the East, have the reductions in California rates been greater than the increases?

A. Both east and westbound?

Q. Yes.

A. Yes, I should say so.

Q. Did your company lose money upon the same articles and same commodities affected by this rate during the year 1908?

A. Did we what?

Q. Did you lose money in transporting commodities affected by this increased rate that went into effect on the first of January in 1908?

A. I couldn't say.

Q. Did you lose money upon the articles affected upon this tariff that went into effect the first of January in the year 1907?

A. The revenue of the Santa Fe Railroad is made up from so many different territories and so many different sources that it would be a hard matter for me to say if we lost money or made money on any particular traffic.

Q. I understand you to say the reason why you made this increase was because the company was carrying these products so they were making nothing upon them?

A. No, sir. I didn't say that. I said they were not sufficiently remunerative.

Q. You don't mean to say, and you don't want us to understand you as saying, that the company lost money upon those shipments?

A. No, sir; the company did not. I didn't say so.

Q. What you meant to say was you were not making as much as you wanted to make?

A. Yes, that is the idea, as compared to what we were making on other traffic.

Q. Did your company buy any new railroads or add any new railroads to their system in the years 1906, 1907, and 1908?

A. Well, now, I really don't know anything about that; that is entirely out of my department.

Q. Did your company make any betterments in the year 1908, for instance, by additions to their facilities?

A. I couldn't answer that, the operating department has charge of that.

Q. Did they in 1907 and 1908, if you know?

A. I don't know.

Q. I understand that you will furnish the committee with the rates as they were previous to January, 1908, and as they are now?

A. Yes.

Senator Wolfe: Q. How long a time will it take to make that up and furnish it to this committee, Mr. Donnelly?

A. Oh, it wouldn't take very long; it might take a week or ten days.

Q. You know the Legislature will not be in session a week or ten days from now?

A. It couldn't be gotten up any sooner.

Senator Burnett: Q. You have the rate schedule showing the rates prior to January 1, 1909, and you have other books that show classifications and rates since January, 1909, have you not?

A. Yes.

Q. And upon such important articles as dried fruits and deciduous fruits it would be the easiest thing in the world for any one to pick those rates out?

A. You could pick out a few commodities, yes.

Senator Wolfe: Will you furnish us that at the earliest possible moment you can?

Senator Caminetti: I would like also to have the gentleman furnish us, or if it is not in his department, if he will please indicate to us what department it is, so we may try to get it—I would like to get the amount of earnings for 1906, 1907, and 1908, and also what new lines, new railroads have been secured by his system during the last three years, also the dividends declared by the company during the last three years, and also how much money has been expended during the last three years for betterments and increased facilities. Now, if you can't furnish that, will you tell us where we can get them from your company?

A. Well, you could get that information, probably, from our Chicago office. It would probably take some time to work it up.

Q. It doesn't come within your jurisdiction?

A. No, not at all.

Q. Whose jurisdiction would it come under here in California of your company?

A. Well, we have our operating department. It is located in Los Angeles for the coast lines, but they wouldn't have all that information; it would have to come from headquarters in Chicago.

Q. Would your general manager here have that?

A. Yes, we have a general manager.

Q. Who is your general manager?

A. Mr. Well.

Senator Wolfe: Q. You were asked the question if your general manager would have that information here?

A. No, he wouldn't have it here; it would be in the general auditor's office in Chicago.

Senator Caminetti: Q. What are his initials and address?

A. It would probably be better to take that up with—

Senator Burnett: Q. Do you know his initials?

A. W. G.

Q. He is in Los Angeles?

A. Yes.

Mr. Bradley: Q. I want to ask, Mr. Donnelly, if you will give us a half dozen articles either east or westbound, of which there is any volume that have been reduced within the last two years?

A. East or west bound?

Q. Either east or westbound.

A. I couldn't give you from memory, no.

Q. You said that there had been reductions?

A. Yes, I could probably give you—

Q. You could furnish that to the committee, couldn't you?

A. Yes.

Q. Isn't it a fact that Captain Payson, the assistant president of the Santa Fe, is in position to give the information that Senator Caminetti has asked for with regard to physical improvements made on the Santa Fe system?

A. I don't think anybody on the coast could give that information, except the general auditor.

Q. Captain Payson is in position to demand it and get it?

A. Yes, certainly.

Q. He is assistant to the president?

A. Captain Payson could obtain the information, but he has not the information in his office.

Q. Isn't it a fact that in the last few years the Santa Fe has in connection with the Southern Pacific bought the Northwestern Pacific?

A. Yes, sir.

Senator Burnett: That is all.

(A recess was then taken by the committee until 8:00 P. M.)

EVENING SESSION, 8:00 P. M.

W. C. Donnelly was recalled as a witness and testified as follows:

Senator Burnett: Q. Now, Mr. Donnelly, we confined ourselves about exclusively to increase of freight rates, of interstate rates?

A. Yes.

Q. Now, has there been any increase within the State of California, of business wholly within the State?

A. I don't handle that department and I don't really know anything about it.

Q. You don't handle those rates?

A. No, sir; I have an assistant that does that altogether.

Q. Don't you know through your assistant whether there has been an increase of any kind?

A. I couldn't even tell you in a general way, because I just returned from Chicago, and I have been gone and I really don't know what has transpired.

Q. The rates that were in existence before the first day of January, 1909, do you think that they are the rates that are in existence now?

A. I think they are practically so.

Q. Who is your assistant, Mr. Donnelly?

A. W. Berman.

Q. What is he? Assistant—

A. Yes, assistant chief rate clerk.

Q. Where is his office, what is his address?

A. Monadnock building, Santa Fe.

Senator Burnett: That is all, Mr. Donnelly.

Edward Bonnheim was called as a witness and testified as follows:

Senator Burnett: Q. What is your name?

A. Edward Bonnheim.

Q. And your address?

A. Business address?

Q. Yes.

A. Post and Fillmore, San Francisco.

Q. Care of?

A. Weinstock, Lubin & Company.

Q. Now, will you please tell us what you know in very concise language, as shortly as you can, in regard to this increase in freight rates?

A. The increase of freights?

Q. Which are you the most familiar with, Wells-Fargo or the railroad?

A. Probably the Wells-Fargo; I think that was probably the one in mind.

Q. Is there an increase in the Wells-Fargo charges made within the last few months?

A. Well, to this extent: There have been for some years past, I don't know just how many years past, carload rate lots in effect and less than carload rates by Wells-Fargo Express. I don't know whether I will be able to give the exact rates that have been in effect. I think it was something like seven cents for carload lots of twenty thousand pounds.

Q. Per pound?

A. Seven dollars per hundred. Seven cents per pound, seven dollars per hundred pounds, provided there were twenty thousand pounds in the shipment.

Senator Bills: Q. From what points?

A. From New York to San Francisco the rate is eight cents, or was eight cents from ten thousand to twenty thousand pounds. Nine dollars per hundred for five thousand to ten thousand pounds, ten dollars per hundred for two to five thousand pounds, eleven dollars per hundred from one thousand to two thousand, twelve dollars from five hundred to one thousand, and thirteen and one half for one thousand to five hundred.

Q. And under one hundred is what?

A. The hundred pound rate does not apply for under a hundred pounds, they are special package rates.

Q. That was the former rate?

A. That was the rate that has been in effect for a number of years. Now, the merchants of San Francisco formed—

Senator Bills: Just let me interrupt. That is on dry goods merchandise?

A. General merchandise, yes, sir. About a year and a half ago the merchants formed what they termed the California Commercial Association to bulk their shipments so as to be able to take advantage of the lowest rate possible that they could attain, and the matter I believe is now in the hands of the Interstate Commerce Commission for decision. It has been for some time. Our claim is this, that the package rates now in effect and the rates from one hundred to five hundred pounds are excessive, taxing the merchandise to what we might term a prohibitive degree.

Q. These rates are all between New York and San Francisco?

A. New York to San Francisco. The Middle West and the Northwest and the Southwest has but little bearing on the dry goods problem. The shipments probably all originate in New York, if not all, most of them. We maintain—that is, the shippers maintain this—that the cost of the merchandise in San Francisco is the laid down cost, which is the cost of the merchandise East plus the carriage, and we maintain that in very, very many cases, in fact all cases, the thirteen and one half rate and the higher rate is such as to be an injustice to the person who ultimately buys the merchandise. Naturally, the merchant, so far as he is concerned, is bound to add the cost of the carriage to the goods.

Q. That is the retail merchant?

A. The retail merchant or the jobber, whoever brings out the goods naturally adds the cost to the merchandise.

Senator Bills: Q. What is the proportionate advance of goods shipped by express now, New York to San Francisco, from what it was five years ago?

A. I think that package rates are just the same as they were at that time.

Q. In proportion to tonnage, I mean, how much more tonnage is shipped by express?

A. Well, that would be impossible for me to answer.

Q. What is the increase? Increasing all the time isn't it?

A. Oh, yes, and it is bound to increase. My position is this: I don't know whether everybody else will agree with that or not. The business that we are in is a peculiar business; it is completely different from the merchandise that Mr. Bentley testified to this afternoon. Beans and produce of that class is an absolutely staple article; it has value in November, January and every month in the year. Well, the people who are dealing in goods of the nature that we are dealing in, they are seasonal; what is good in the month of March or April is absolutely useless, you might say, in the month of July. In addition to this, the seasons are very short and fashions change considerably, and we have to take advantage of the Wells-Fargo shipments, even if they should raise the charges still higher than they have now, because with us it is a question of time limit more than anything else; freight takes all the way from eighteen to twenty-five days to come from San Francisco to New York; express gets through in about six days, so we are forced to take advantage of the express shipments no matter how high the tariff is.

Senator Burnett: Q. You said that the ultimate cost is paid by the consumer, not by the shipper, so that really the shipper under your contention is not injured very particularly, is he?

A. Yes, sir; in this way, that much of the merchandise which at a reasonable price could be brought out by express we have to forego ordering it at all because we can't bring it out by freight on account of the time limit, and we can't bring it out by express because we can't get the price for it.

Q. The suit that you have is in regard to the bulking of packages?

A. Primarily, yes. The point I want to bring out is this, while on the larger portion of the merchandise that we now ship by express we will have to continue to ship by express, we simply tax the consumer for whatever higher rates we may have to pay; on the other hand, we have to forego the sale of much merchandise that we could bring out by express if the express rates were what we term reasonable. Now, we

knew that there would be no use to make application for lower express rates. The only possibility that we saw of getting reasonable express rates was for the merchants to combine, and it is a thing they have never done before, because very few have been able to get together. Naturally those in business are what we might term competitor pool issues, and while the merchants as a rule are on friendly terms, yet they very seldom pool issues. They are not like railroad companies and pool issues. We don't pool issues and make prices.

Q. What did you do?

A. A certain number of merchants got together and formed the California Commercial Association and shipped them in that way, and the California Commercial Association was—we had one consignor in New York and one consignee in San Francisco, and we felt there being but one consignor and one consignee it made little difference to Wells, Fargo & Company who actually owned the merchandise. They picked it up in one place in New York, they delivered it in one place in San Francisco. It is the same thing as if that gentleman owned all the goods in New York and shipped them to me, we would have been entitled to the bulk rate; we figured that in that way, having one consignor and one consignee, we would be entitled to the bulk rate. That matter was submitted to the Interstate Commerce Commission and Commissioner Lane heard the case, and a year ago last December decision was rendered by the Interstate Commerce Commission that our contention was correct and it was so ordered. Meanwhile, however, another case of a similar nature affecting freight had come up before the commission, or concerning where the Export Commission Company in Chicago was assembling carload lots and sending it to one consignee to be distributed. That was tried in the Supreme Court, I believe, and it wasn't tried in the Supreme Court. Meanwhile, the company failed, pending any controversy that might come up later on, because Wells-Fargo contested that the hearing had taken place in San Francisco and that they were entitled to a hearing in New York. The commission withdrew its decision, subject to the hearing before the Supreme Court of the United States. Since then Mr. Lane has been out here again, last January, and heard the case, and it is now in the hands of the commission.

Senator Wolfe: Q. What commission?

A. Interstate Commerce Commission. From what I understand, I wouldn't want to state that with any degree of positiveness and certainty, the Interstate Commerce Commission is inclined to side with us, feeling that our case is absolutely just, there being but one consignor and one consignee.

Q. Then the difference in the rate, Mr. Bonnheim, is in the difference between shipping the individual packages or the collection of small packages to one consignee shipped on the same day, and the privilege to bulk the consignment from a number of consignors, irrespective of who is the owner as long as they are placed in one shipment?

A. Yes.

Q. And the advantage to be gained from the bulk rate that you got?

A. Yes.

Q. Are the complaints that you are making with reference to the charges of Wells, Fargo & Co. all relating to interstate commerce?

A. Practically rates from New York to San Francisco, which is the originating market for our kinds of goods.

Q. Of that the Interstate Commerce Commission has jurisdiction, is that?

A. Well, I wouldn't be able to say as to that.

Senator Caminetti: The resolution in this case provides not only for interstate rates, but also for state.

Senator Wolfe: I would like to get down to the complaints for charges in California, wherein we have some power to help these gentlemen; not take up time to consider matters that are absolutely futile.

Senator Burnett: Q. Now, Mr. Bonnheim, have you any dealings with Wells-Fargo as far as the package rates within the State are concerned?

A. Some; not many.

Q. But not of importance?

A. Not of importance at all.

Q. As to excess, any complaint as to rates?

A. No, I think not.

Q. Are you a shipper of any magnitude by rail?

A. Yes, sir.

Q. Have you been affected by this increase of rates since the first of January?

A. Yes, sir.

Q. Would you mind giving us your ideas on that as concisely as you could?

A. The little time I had at my disposal to look into the proposition yesterday afternoon I took down two rates. Take, for instance, cotton goods, such as cambrics and calicos, goods of that nature; they have been advanced from \$1.50 to \$1.60; goods like ducks and sheetings and denims have been advanced from \$1.35 to \$1.45.

Senator Wolfe: Q. One hundred pounds?

A. Yes.

Senator Black: Q. When were these advanced, January 1st?

A. January 1st.

Senator Black: Q. I didn't get clear when these express rates were advanced. Was there a recent advance of express rates?

A. I think this is about the way it was. I didn't get quite into that proposition. I would like to explain it. The advance is in this nature. It is not a direct advance of rates, but it is a withdrawal of rates, which is practically equivalent to it.

Senator Caminetti: Q. Please explain what you mean, the distinction between advance in rates and withdrawal of rates?

A. Prior to December 1st any consignor could ship to any one consignee from two thousand to five thousand pounds at ten cents; from five to ten thousand pounds at nine; from ten to twenty at eight, and twenty thousand upward at seven cents per pound.

Senator Caminetti: Q. You are speaking of Wells-Fargo now?

A. Yes. Now, on December 1st last all rates upwards of two thousand pounds were withdrawn, so that the lowest rate that any one consignor can ship to any one consignee is eleven cents per pound; the ten, nine, eight and seven cents have been withdrawn, and we could consider that in the nature of an advance, because when certain privileges are withdrawn from you that you have enjoyed before, it is in the nature of an advance.

Senator Black: Q. How long did you enjoy those privileges?

A. For a number of years; I couldn't state the exact period.

Senator Burnett: Q. Quite a number of years?

A. Yes, it must have been at least two years or more; I don't know the exact time. I know that we have the California Commercial Association has made many shipments that would entitle us to the nine cent rate, provided the Interstate Commerce Commission should so rule eventually, while now if we ship the same quantity we would have to pay the eleven cent rate, so that we consider it in the nature of an advance. Then, again, we feel that the package rates are excessive; in fact, that is the reason we went into this combination after proper legal advice, claiming that we were thoroughly justified in making such a combination.

Senator Caminetti: Q. Has there been a recent increase in the package rates?

A. It has been in this nature, that I have tried to explain, Senator. The rates that were formerly seven, eight, nine, and ten cents for large quantities have been withdrawn, which now makes the lowest rate effective—the eleven cent rate.

Senator Caminetti: Q. Ain't there a distinction between shipments made under that rate and the package shipments you speak of?

A. The small package shipments are very much higher than that.

Senator Wolfe: Q. Have they been increased, the small package rates?

A. No, they have not been increased, but we consider they are prohibitive; we consider they are entirely too high.

Senator Caminetti: Q. You are speaking between San Francisco and New York?

A. Yes.

Q. You consider those are prohibitive now?

A. Well, I stated a while ago that we have to ship at the present rates, and we would have to ship even if the rates were advanced, because of the peculiar nature of the business we are in, the shortness of the season, the change of the style, and all those things compel us to ship by express on account of the time limit.

Senator Wolfe: They are almost emergency shipments?

A. You might term it that if you want, yes, and they are emergency shipments to this extent; take, for instance, certain lines of goods in our business, everything is shipped by express, nothing is shipped by freight.

Q. You never do ship it by any other means?

A. Certain lines of goods; for instance, you all know that millinery is changeable, women's suits, laces, trimmings, all that class of goods. You can't afford to have it eighteen or twenty days in getting here because by the time it gets here the demand will be gone, so we are forced to ship by express, and we simply have to tax the consumer for it.

Q. So to make it all the traffic will bear would be very hard to estimate what it would bear, because the purchaser would have to pay it all?

A. Yes, yes.

Q. Do the express charges have much to do with the price on millinery?

A. Considerable, because you don't only pay expressage on this Paris creation, but you pay it on the paper and the box and packing besides, and sometimes a hat would probably be two or three dollars less if the expressage wasn't so high. There is another side to this proposition. I will explain the particular point in case, which will clear up the matter very quickly. Four weeks before Christmas we are short of a certain merchandise; that merchandise has a well established price over the city, all over the State; everybody knows it. If we ship by freight it comes here after Christmas, and the season is over, and the demand is gone; if we ship it by express the express will not only eat up the possible profit, but will leave a deficit besides. What is the result? It is prohibitive; that is, detrimental to the merchant because he fails to be able to realize a profit on that class of merchandise.

Senator Bills: Q. Does he fail to realize a profit about that time of year?

A. Certainly, if you have ten cases of goods that you could sell at a profit and that you are unable to purchase and bring to your establishment, you practically lose that possible margin.

Senator Burnett: Q. You know of no reason, do you, for this change in the Wells-Fargo rate; that is, the removal of the bulk rate for over five hundred pounds?

A. Two thousand pounds.

Q. Over two thousand pounds. Do you know the reason why Wells-Fargo did that, or do you know their reason that they allege?

A. Well, the reason probably is this, there are more reasons than one. I think Wells, Fargo & Company, that is the officials of Wells, Fargo & Company feel that the rate is high—they haven't told me that, but I believe they realize that the rate is high; at the same time and while we as merchants of San Francisco combined to get a lower rate than the one that the individual shipper is entitled to, and I might add this, that we didn't do it in the way of a close corporation; anybody, any shipper in San Francisco could come in and can to-day come in, so we are not excluding anybody. The reason we formed the association was because we felt that it was impossible to get lower rates on the express we were bringing out, and we were willing to take such chances as long as they were within the strict letter of the law, and as I said, we got legal advice on that proposition and we were told that as long as we did it open and aboveboard, that we were not committing any crime. I think the real reason why Wells, Fargo & Company have withdrawn the lower rates is first of all to discourage our organization; in the next place, they are afraid that if they granted that to us without a fight, other cities laboring from the same overcharge will file suit, and in that way their rates will not be only lowered from New York to San Francisco, but they will be affected more or less all over the country. I think that is the real reason.

Senator Caminetti: Q. Isn't there another reason, that by withdrawing the rates over two thousand pounds that they make null your combination?

A. Yes. But, as I say, while from one point of view that is the exact reason, they have another reason, fearing that a similar combination might be formed in other cities and that in that way their earnings would be minimized.

Senator Burnett: Q. Have you certain goods, that is Weinstock, Lubin & Company, that you bring in by rail other than Wells-Fargo?

A. Yes, sir; we bring in large quantities by rail.

Q. Do you suffer from this increase in rates?

A. Yes, sir. As I explained a few moments ago, the rates on cotton goods, I believe I mentioned calicoes and cambrics, are advanced from \$1.50 to \$1.60; ducks, sheeting, denim, from \$1.35 to \$1.45, and there are many other advances, which I am not prepared to quote at this time.

Senator Black: Q. The consumer, the one who buys your goods now, has to stand this?

A. Well, I think there is a two-edged sword in many cases where the prices are established, where the merchant has to absorb the advance. In other cases where it is possible for the merchant to shift it on the consumer I think he tries to shift and makes the consumer pay for it; in fact, that will be the effort right straight along the line, the way I look upon it. The cost of the goods is not alone what we pay the manufacturer or the importer, but to that is added the cost of carriage and upon that we base our profit rate, that we know from experience we must realize in order to make a profit at the end of the year.

Senator Caminetti: Q. Isn't it also the case in that respect, where in any particular line of goods that you don't feel like charging it to the consumer, why you make it up on other articles in order to recoup you for your loss on this? In the end the consumer pays it all?

A. Well, that is possible, yes. I think in the end that the consumer has to pay for it.

Senator Wolfe: Q. That is the way with most everything, isn't it, Mr. Bonnheim?

A. I presume that human nature all over the world is the same.

Senator Burnett: Q. Mr. Bonnheim, the most of the complaint among the shippers to your knowledge in the tariff from the West and the East, is it not, rather than the other way?

A. No, we really are not much interested—

Q. I mean is it from East to West?

A. East to West, yes.

Senator Caminetti: Q. I would ask if you made all the statements that you desire to submit to-night?

A. I think so.

Senator Burnett: Q. Have you anything that you could furnish in addition to what you have said?

A. Yes, sir.

Senator Burnett: We would be most pleased to receive it, if you could send it to us.

A. I would be glad to send it to you.

Senator Burnett: In the way of documents, or communications of any kind or expressions of opinion from your fellow shippers.

Senator Bills: Q. Did you meet personally the Wells-Fargo people when they were in San Francisco?

A. Met them before the Interstate Commerce Commission.

Q. A few weeks ago?

A. I did not meet them at that time. I personally met them a year ago last December. At the last session I was not present.

Senator Bills: Q. I was told at that time that the merchants, shippers among the dry goods merchants at that time, would average about four cents per day as against one per day three years ago. Do you know anything about that?

A. Well, I fully believe—I seldom like to testify to anything unless I am very sure of my subject—I will say that I know from my own personal knowledge express shipments to-day are very much higher than they were formerly, and they will increase.

Senator Wolfe: Q. What is that, Mr. Bonnheim?

A. I say, the Senator asked me whether it was a fact that shipments to-day by express were very much heavier than they were three years ago, and my answer was that although I had no specific facts at my command to verify that, I have no doubt that that is true and that express shipments in our line of business will continually increase.

Senator Wolfe: Q. I will ask you if that can be accounted for by the depression that has existed here and by reason of the desire of the merchants not to overorder by freight shipments, depending rather on the prompt shipments they could get by express?

A. Well, that may have some bearing but it is not directly responsible, but it is a gradual desire for the continual change in wearing apparel, both by men and women.

Senator Caminetti: Q. Do you know what the capitalization of Wells, Fargo & Company's Express is?

A. Well, I haven't the figures; the organization has the figures, but I have forgotten them.

Q. Your organization?

A. Yes, sir, I can obtain them for you if you wish it.

Senator Caminetti: I would like to have them, and I suppose the committee would also.

Senator Burnett: We would, yes.

Senator Caminetti: Q. Do you know what the profits of the Wells, Fargo & Co. Express has been each year?

A. I can send you the entire data, but I haven't at hand.

Q. And dividends also?

A. Yes, sir.

Q. In your investigation of this matter as an interested party, have you ever found that there has been any combination between the transcontinental railroads and the express company with respect to what the railroad company would do on one hand and what the express companies would do on the other?

A. No, I know nothing about it; no, sir.

Q. Do you know any combination between express companies of the United States whereby the territory of the Pacific coast is parceled off to the Wells-Fargo Express Company in order to keep out competition?

A. Only from hearsay.

Q. Is it a fact that there is not another express company doing business in the United States that has got an office in San Francisco and doing business on an independent line?

A. No, the claim is the territory is allotted to Wells, Fargo & Co.

Q. Then, as a matter of fact, you couldn't express by any other express company from San Francisco to New York or get anything from New York to San Francisco; you are compelled to go to Wells-Fargo if you want anything by express?

A. That is the only way to ship.

Q. Do you know where I can get any information as to these facts, as to that particular fact, as to the parceling off this Pacific coast territory to Wells, Fargo & Co.'s Express?

A. No.

Senator Wolfe: Q. Wouldn't the Interstate Commerce Commission be able to give us some light?

A. That I don't know, Senator; no.

Senator Caminetti: Q. Do you welcome this investigation into this question as an interested party, and as a dealer in San Francisco?

A. Well—

Senator Burnett: What do you mean by welcome?

Senator Caminetti: Whether he wasn't glad to hear that the Legislature—

A. I would like to have a thorough investigation. If Wells-Fargo's charges are just, I don't want any reduction; if they are unjust, I want it known.

Q. You think this investigation is properly started, and it is a proper thing for the State Legislature to do, don't you?

A. Yes, sir; I don't think harm will come to either one party or the other.

Q. Don't you think it is necessary at this time to do so?

A. I think it is very wise; yes, sir.

Q. And can you suggest any way by which the Legislature of the State can help the people of California in this regard?

A. Well, you speak now in regard to the Wells-Fargo matter?

Q. Yes. And in the same connection let it apply to the railroad matters?

A. The proposition has often occurred to me in this light. This afternoon, for instance, a statement was made by Mr. Bentley before the committee here, stating that the East and the West both endeavor to get business in the territory of the Middle West, say in Omaha and Nebraska and so on; that the rates from New York to Nebraska are sixty cents, that the rates from San Francisco to Nebraska are eighty-five cents, and for that reason the rates are against the San Francisco merchant, the shipper, to the degree of the difference involved in the charges just mentioned. It seems to me that in order to get at the proper proportion or, in other words, to get the fact whether the charges from New York to San Francisco are proper, the distance being three thousand miles, would be for the committee to get rates for certain distances, say a thousand or two thousand miles within a radius of San Francisco and within a radius of New York and then make comparisons, which might prove as to whether the San Francisco rate is a proper one; in other words, whether we are paying an overcharge or whether we have the right charge.

Senator Wolfe: Q. Is your association represented by counsel?

A. Yes, sir.

Q. In the complaint that has been filed with the Interstate Commerce Commission at this indirect way of increasing express charges from New York to San Francisco?

A. Yes; we are represented by Vogelsang & Brown.

Senator Caminetti: I will state that Vogelsang & Brown have offered to give all the information they have at their command, and I am to meet Mr. Brown on Sunday.

Q. Have you made any investigation as to the rate of express charges—for instance, take Chicago to New York—in the same line of business in which you are dealing?

A. Yes, we did make an inquiry, but I haven't got the figures at all.

Q. Have you made the investigation between the city of St. Louis and New York on the same line?

A. Yes; we had all those figures.

Q. And other great business centers of the United States?

A. Yes; we had all those figures.

Q. You can supply all those hereafter?

A. They can be supplied.

Senator Black: Q. Did you come to the conclusion that San Francisco was discriminated against?

A. Yes, we think so.

Senator Wolfe: Q. Is there more than one express company doing business between Chicago and New York, Mr. Bonnheim?

A. There is. I think you can ship by three companies. I think by the American, United States, and Adams.

Q. Competitive companies?

A. Supposedly competitive, but others tell me it is a pool; I can't prove it.

Senator Caminetti: Q. From your recollection now are the rates lower from Chicago to New York than the rates they are charging in this territory from San Francisco to New York?

A. Yes, sir.

Q. Are you discriminated against to any great extent?

A. Yes, sir; I think to a considerable extent.

Senator Wolfe: Q. That is for the same distance they are much higher charges to San Francisco from New York than they are from New York to Chicago?

A. Figuring in one case, one thousand miles is involved, and the other three thousand; there is a much larger difference than to the proportion of three to one.

Q. Senator Caminetti asked you this question a while ago. In what way do you think this legislative inquiry can help the situation? Don't you think that if we succeeded in this investigation, if it is continued long enough and give both sides a hearing as you suggested, that if we succeed in arousing a healthy public sentiment on your side of the question and the gathering of data that would be of service to the attorneys representing your association, we might accomplish a good deal by that?

A. Yes, I think the arousing of sentiment would be good; it would be an advantage.

Q. We are limited in a measure in our powers here; being an interstate matter, the Legislature is limited in what it can do, so if we succeeded in developing the fact that there is serious discrimination or any discrimination against the San Francisco merchants that thereby we will arouse public sentiment that might have a good effect, and bring about a reduction in these charges. I only want to call your attention to it that I don't see how much further we are going to get by this, except to help gather data to turn over to your representatives.

The witness: Except this, Senator, from my point of view I believe that the officials of Wells, Fargo & Co. fully realize that they are charging too much for San Francisco business, that is for the business from New York to San Francisco. I think they fully realize it themselves, and my belief is that with a little pressure from the right direction, either from the legislative halls of this State or the Interstate Commerce Commission, or both together, I think they would yield.

Senator Burnett: Q. Or from the report of the committee?

A. Yes; I think because they fully realize, I believe, that they are taxing San Francisco too heavily.

Senator Black: You have no estimate, of course, for example, what this is costing San Francisco, this increase and the recent withdrawal of freight rates, any approximate idea?

A. The difficulty is there are few individual shippers can make express shipments in very large quantities; take even the very largest houses. It is very seldom they can gather more than one or two thousand pounds, for this reason: businesses like ours don't go in the market and buy staple products; we buy fancy products, the fancy products are in late on the market, they have to be manufactured, and they are shipped out to us as fast as manufactured. If we would hold them in New York until a large quantity has gathered together, there would be no advantage, because we ship by express to gain the time, so merchandise is being shipped as fast as produced. For that reason you will find very few people in San Francisco who can take advantage of the bulk rates, as we call them, or the carload, the bulk rates, and for that reason there is but very, very rarely we find the largest dealer can get the benefit of the bulk rate; for that reason they want to discourage the forming an organization like ours, because when eight or ten or twenty or thirty come together and all ship together, that is what they want to discourage. They know they can carry it, and carry it at a profit, but they want small shipments at the highest rates they can get.

Senator Wolfe: There is no doubt, and I don't suppose there is much, that if we succeed by this investigation in helping to get a reduction in these express charges that the benefits of this reduction will be felt by the consumers, by the general public? There is no doubt of that, is there?

A. From my point of view there is not, and I will give you the reason for it. I don't believe the average merchant is any more a benefactor than an express company or a railroad, but the railroads and express companies have this advantage, they are monopolies. They combine; they make any rate they see fit. It is different among the merchants; the merchants are all competitors, and while they meet as friends in the club or hotel, they meet as enemies when it comes to prices, and that is bound to regulate business.

Q. You believe that the competition is so keen that the public would reap the benefit?

A. The competition is so keen that it forces prices down to the lowest notch.

Senator Caminetti: Q. Don't you think that, if the State of California would take advantage of sections thirteen and twenty-three of the Interstate Commerce Commission Act and file a complaint and demand for an investigation itself in behalf of the people of the State, that would help you and help the people materially before the Interstate Commerce Commission instead of having, as now, an individual making this fight?

A. I should think it would have much more weight.

Q. You think that that would help the people in that respect if that could be done; have the State take hold as stated, and make this fight before the Interstate Commerce Commission?

A. It is certainly bound to have a great volume of force, more than the individual merchants could on it.

Q. Do you think the merchants' body or association you spoke of a while ago, would be content to leave it in the hands of the Attorney General, without being represented by private counsel?

A. That I wouldn't want to pass on personally. I should hardly—

Senator Wolfe: Q. You should hardly think so?

A. No, I don't mean to say that. I wouldn't want to pass judgment on that because that is a matter that has never come before the association.

Senator Caminetti: Q. You understand your present proceeding could go on just the same, and this would be an independent one?

A. That is what I naturally suppose from your remarks, yes.

Senator Black: Q. You haven't any estimate of how much it is going to cost somebody in San Francisco on these express rates alone? You can't form the idea?

A. No, you can't; because, as I have tried to explain, there are no individual shippers at the present time that can take advantage of the bulk shipments, even though they had remained in effect. We can ship five thousand pounds at a time; we can accumulate five thousand pounds in New York, but then we would lose the time advantage. There is where the trouble comes in.

Senator Burnett: As I understand it you do believe that if this committee were to hold a session after the Legislature is adjourned, and to prosecute a vigorous inquiry into the conditions, that they could do more for you than a private organization? Is that the idea?

A. Well, I don't think there is any doubt at all about it. I think that a committee of this kind can do the people of California in the way of express rates a great deal of good.

Senator Burnett: Is there anything further, Mr. Bonheim?

A. Nothing.

Senator Wolfe: I would like to ask one question. Can you give us any estimate, or have you before I came, Mr. Bonnheim, of the difference in the effect of this withdrawal of these bulk shipments by express, what difference does it make in percentage charges and things of that kind?

A. Well, you can figure the percentage. We have been shipping as an organization as high as ten thousand pounds, from five to ten thousand pounds as a general rule, and a great many more merchants would have been glad to enter the organization, but they were afraid. They were afraid to commit themselves for fear that either Wells-Fargo or the railroad would have it in for them in some way or other, how I don't know; but we have been shipping as an organization between five and ten thousand pounds every second day. We were banking upon this proposition that the decision of the Interstate Commerce Commission would stand, and that ultimately Wells, Fargo & Co. would have to rebate to us or return to us the overcharge, so that you can easily figure that we would have been paying nine cents a pound, and we are paying thirteen and a half cents.

Senator Caminetti: Q. Mr. Bonnheim, have you taken into consideration in your line of work the local charges in California of Wells-Fargo, and have you got comparisons between equal points in California with equal distances from large cities like Chicago and New York on express charges?

A. We haven't gone into that.

Senator Black: Q. Has there been an increase in local charges?

A. No. I don't know.

Senator Burnett: That is all.

J. O. Bracken was called as a witness, and testified as follows:

Senator Burnett: Q. What is your name?

A. J. O. Bracken.

Q. You are the manager—

A. I am the agent of the California Commercial Association.

Q. You are a railroad man, are you not, Mr. Bracken; that is, you have been?

A. I have been for a number of years.

Q. The California Commercial Association is the association of which Mr. Bonnheim was talking a few minutes ago, is it not?

A. Yes, sir.

Q. Now, will you explain to us the workings of that association, and what happened to this question of the bulking of rates or such other things as occur to you as the proper thing to make in a general statement covering the matter?

A. The general details of the scheme, the operation has been recited by Mr. Bonnheim, so that recitation as to that from me would be simply repetition, and I don't presume the committee desires that, but I am in a position to give some illustrations and demonstrations as to the comparative rates or rate for example. I brought a little data with me so as to be accurate. The rate from New York to Chicago is \$2.50 for the distance of a thousand miles as against \$13.50 from New York to San Francisco for a distance of approximately three thousand miles; and the rate from Chicago to Omaha is two dollars a hundred pounds for a distance of five hundred miles. From Omaha to Denver is four dollars for a distance of 550 miles. Now, any further information that any of you gentlemen want as to the question of comparison, I will be very glad to give it.

Q. That rate is based upon what kind of shipments?

A. That is the merchandise rate, the same character of rate Mr. Bonnheim had reference to. Their merchandise rates cover all character of express matter that are rated by the express company as merchandise and covers all dry goods and goods of allied character—hats, caps, and boots and shoes. The hundred-pound rate only applies on packages of fifty pounds; on packages under fifty pounds they are charged for by the package, and the rates are very much higher.

Q. What do you mean by these merchandise rates, within what weights does that go?

A. Well, merchandise rates have no reference to weights at all.

Q. For instance, you said four dollars between Chicago and Omaha, did you say?

A. Omaha to Denver, four dollars a hundred pounds with the hundred-pound rate.

Q. For a hundred pounds?

A. Yes, sir.

Q. Suppose it was five hundred pounds, would it be a different rate?

A. That I couldn't tell you offhand.

Q. Now, Mr. Bracken, what has been the effect, you probably know as well as Mr. Bonnheim, in your opinion, upon the shippers in San Francisco owing to the fact that they refused to bulk the packages—Wells-Fargo refused to bulk the packages in New York for shippers who were not the owners of the whole consignment?

A. Why, as far as the shipments of the California Commercial Association is concerned it has resulted in a difference from forty to fifty per cent in the express charges.

Q. Will you explain to the committee just exactly what Wells-Fargo did there in New York City with regard to this bulk rate, and how these packages were brought, and what happened to them?

A. The packages were assembled at a warehouse in New York City, and Wells-Fargo came to the warehouse and took delivery of them, demanding prepayment of

the charges before they would accept them, the delivery having been made in the name of the California Commercial Association as consignor, and the prepaid receipt issued by Wells-Fargo showing that the California Commercial Association was also the consignee. They thereupon took the goods and transported them to San Francisco and made delivery of them in a lump to the warehouse of the California Commercial Association in San Francisco, and there their services ended.

Q. What was the charges they made?

A. The charges as assessed by them were the same as though each separate lot of merchandise for each separate individual consignee had been shipped by itself. For example, the goods were all marked with numbers—

Senator Burnett: That doesn't make any difference about that. Their contention, then, in that case was that their charges were based—that they had a right to charge up the freight or the express charges according to the ownership of the article?

A. That was it; that was their position.

Q. And that the person that shipped the goods must own them?

A. Yes, must prove ownership.

Q. Now, the object of that, of course, was to keep these consignments separate and get larger return?

A. Naturally.

Q. And you say that, owing to that fact, the charges upon the shipments were fifty per cent higher than they would have been if they had been bulked?

A. Comparatively about fifty per cent. Now, as to the withdrawal of those quantity rates, Senator Caminetti asked what percentage of increase the withdrawal of those rates made. I have it all figured out here: we used it in our case before the commission. The withdrawal of the two thousand pound rate resulted in an advance of thirty-five per cent; the withdrawal of the five thousand pound rate resulted in an advance of fifty per cent; the withdrawal of the ten thousand pound rate resulted in an advance of sixty-eight and three fourths per cent; the withdrawal of the twenty thousand pound rate resulted in an advance of ninety-two and eight tenths per cent.

Senator Black: Q. They didn't withdraw any more?

A. They attempted to withdraw some more; they attempted to withdraw the five hundred pound rate and the hundred-pound rate, but we went into the United States Circuit Court and got an injunction restraining them from withdrawing it.

Senator Black: Q. This went into effect December 1st last?

A. It was about December 1st.

Q. The consumer has got to pay this, of course?

A. Oh, yes, naturally.

Senator Burnett: Q. Senator Wolfe asked here this afternoon in the second session from Mr. Donnelly, whether or not there had been any cases brought before the Interstate Commerce Commission to test the reasonableness of the increased rate; that is, the rate, increased rate, of the railroad companies, which went into effect on the first part of January of this year? Do you know of any such action?

A. I don't believe any has been taken. The California Commercial Association has commenced a proceeding before the commission for the purpose of forcing the reinstatement of those quantity rates, in which they have also challenged the reasonableness of the entire New York to San Francisco schedule, and that case has been heard.

Q. You mean on the railroad question?

A. No, of the express question.

Q. On the railroad rates you know of none?

A. On the railroad rates there has been no case I know of, and I think I would know of it if there had been any.

Senator Black: Q. You think this committee can be of any assistance?

A. I don't think there is any question about it; there isn't any doubt in my mind. Wells-Fargo's chief contention in the proceeding before the commission has been that the action that resulted in the bringing of the proceeding was a selfish motive on the part of a few merchants, and a move by the State would of course absolutely annihilate such an argument. The counsel for Wells-Fargo harped on that continuously all through the trial of the case.

Q. Has Los Angeles a similar organization to this in San Francisco?

A. Yes, they intervened in one case and are a party to it as intervenors; not as to bulking, however, only as to the rate fight. I think they call it the Merchants' and Manufacturers' Association.

Senator Black: Q. Of course, this withdrawal of rates affects every city in California that has any business at all?

A. Naturally; naturally. I also have those figures that Senator Caminetti was asking about, about the capitalization and the gross earnings, and a few things like that.

Senator Black: Q. There is no way of getting at what this is going to cost this State?

A. I am afraid not.

Senator Burnett: You mean in regard to rates?

Senator Black: Yes, how much are we losing from this change that went into effect?

The witness: It will cost a lot of money, but as to how much, or even relatively how much, I would not have any idea.

Senator Burnett: Q. The express business has become a regular recognized portion of the way of transmitting goods?

A. Oh, it is a fixed transportation.

Q. It isn't like it was a few years ago, just put out as a luxury, but now it is a regular part of the machinery of the mercantile community?

A. Absolutely.

Q. They have to use it just as much as they do the slow freight?

A. Yes, or go out of business.

Q. It is no longer a luxury; it is a necessity?

A. Absolutely a necessity; it has become the fixed habit of business.

Senator Burnett: Q. Now, tell us what you can about the local rates of Wells-Fargo?

A. Well, I have got to go into history a little bit to start with. You know there has never been any attempt to regulate express companies, that is the rates of express companies, until the Interstate Commerce Commission very recently took jurisdiction of them; the Interstate Commerce Commission have been attempting ever since they took jurisdiction of the express companies to reach a basis, a maximum rate basis with reference to express rates as compared to freight rates, and have finally laid down the rule that the express rate may not exceed the first-class freight to an extent greater than three times. To illustrate, if a first-class freight rate was fifty cents per hundred, the express rate could not exceed \$1.50. Using that as a basis of comparison, and using San Francisco as a base, and going into the interior California points out from San Francisco, on the surface the express rates would appear to be perfectly reasonable with reference to the freight rates, as in almost all cases they don't exceed three times the first-class freight rate; that is to say, the hundred-pound express rate I am now speaking of, but the fallacy of that conclusion lies in the fact that the express business of the State of California, the strictly local business I am speaking of now, is ninety per cent, at least ninety per cent, probably ninety-nine, packages of less than fifty pounds in weight, so that in no case would the hundred-pound rate govern, as in packages of less than fifty pounds in weight the package rate governs exclusively. I have drawn off a sort of comparative statement that will give you an idea as to what the result is. The first-class rate from San Francisco, freight rate from San Francisco to Sacramento is 26 cents per hundred pounds. The average, I am going to explain a little bit so as to make myself a little bit clear. I have figured this thing out from Wells-Fargo's own tariffs, and I want to explain how I arrived at my conclusion so as to be perfectly fair to the other fellow. I have taken all their package rates between San Francisco and Sacramento, for example, and where there were five different rates I have struck an average as to those five different rates. Do I make myself clear?

Senator Black: Yes.

A. Using that as a basis, the average rate between San Francisco and Sacramento is four dollars per hundred pounds as against 26 cents for first-class freight. To San Jose the first-class freight rate is ten cents; the average arrived at, as I have explained, is \$2.90 per hundred pounds. These are all hundred pounds, these figures I am quoting. The first-class rate from San Francisco to Stockton is 22 cents per hundred pounds; the average package rate is \$2.90 per hundred pounds. The first-class rate from San Francisco to Marysville is 29 cents per hundred pounds; the average package rate is \$5.55 per hundred pounds.

Senator Black: Q. Have you ever compared these with the average rates in other parts of the United States?

A. No; because it is difficult to get them. It is more difficult to get an express tariff than it is to get a bank note.

Senator Burnett: Q. You have had experience in various portions of the United States in railroading?

A. Yes, in the Middle West.

Q. The method of transportation here—is it in your judgment about the same with regard to the express companies who handle these things here in local matters as it would be in the Middle Western States?

A. I would say so, with possibly the population is not so dense in California as it would be in a state like Illinois, and for that reason naturally the cost of operation would be slightly greater.

Q. On such a rate between San Francisco and Sacramento, or San Francisco and San Jose, would there be any difference?

A. I would say on a haul like those you speak of, they would be on a parity with the run from Chicago to Aurora.

Q. This rule, you say, with regard to establishing rates by the Interstate Commerce Commission—do they use that same rule in all portions of the United States?

A. That I could not say, Senator; that I have taken from the ruling of the Interstate Commerce Commission, made in the case of George J. Kendall versus the Adams Express Company and others—case number 1028. It is in that case that they first laid down the rule.

Q. Where was that shipment made?

A. It was a Denver case; it was a challenge on the part of some Denver people as to the reasonableness of rates into and out of Denver.

Q. Railroading in Denver is fully as expensive as railroading in California?

A. In a great many respects it is more.

Q. So those two cases would be on a parity?

A. Very nearly so, and the commission also in this case go into the fact of the density of population. The density of population has changed considerably, so that, for example, where it might have been proper ten years ago for a transportation company, either express or freight, to charge a higher rate per mile, for example, west of the Missouri River than east of Missouri River, the commission contend that that condition does not exist to-day, and they go to the extent of illustrating by districts, saying that the revenue to the express company is relatively higher lying around Colorado and Utah.

Q. How about the cost of handling?

A. That is the only cost, except what they pay the railroad. Their operating expenses are fixed; they pay fifty per cent, forty per cent, sixty per cent of their gross earnings to the railroad company and that is the extent of their expenses, excepting the handling.

Q. That would be about the same—one place as another?

A. It should be no difference, and the investigations of the commission have proven that in the case of a long haul on the part of the express company, while it might cost them a half a cent to operate ten miles, it would not cost them a whole cent to operate twenty miles.

Senator Caminetti: Q. You know anything about this statement? The Parcels Post League claims you can send a package from San Francisco to Sacramento and the cost would be considerably more than it would cost to send a package to London, England?

A. I don't know that. It would appear from the figures of Wells-Fargo themselves that their business is fairly profitable. From this case that I have just quoted from, taking from that case the figures quoted by the commission from their records, the total investment of Wells-Fargo for express business proper is \$1,600,000.00; that is their total investment, total capital invested. Their net earnings from operating only for the year 1906 were \$2,544,962.00; that is net. That is the gross earnings with the operating expenses deducted; in other words, about 150 per cent profit for the year ending December 31, 1907. On the lines in the United States only their gross income was \$22,135,122.00, and their operating expenses were \$19,347,325.00, leaving net earnings from operating only express proper—that is, in the United States only—\$2,787,797.00.

Q. What reason—in any of your meetings have the Wells-Fargo stated any reason for this recent withdrawal?

A. Oh, yes; they said those rates were published as emergency rates to help out San Francisco after the fire, and that the excuse for their existence had long ceased, and consequently they now withdrew them. It took them two years and a half to find out that they were emergency rates, however, and they afterwards discovered that they were mistaken in one thing, that the five hundred and the thousand-pound rate had been in effect for five years.

Senator Burnett: That is all.

An adjournment was then taken until March 13, 1909, at 1:30 p. m.

March 13, 1909, 1:30 p. m.

The committee met pursuant to adjournment, with Senators Bills and Burnett, a quorum, being present.

R. D. Carpenter was called as a witness, and testified as follows:

Senator Burnett: What is your full name?

A. R. D. Carpenter.

Q. And your address?

A. Care of Hale Brothers.

Q. And your occupation?

A. I am auditor of Hale Brothers.

Q. Does Hale Brothers ship considerable freight over the various transportation lines?

A. Yes; we have very large shipments.

Q. Now, suppose that you just tell us like the other witnesses what you know about this, and how it has affected the business of Hale Brothers?

A. Well, as regards the transcontinental freight rates, I find that there are various items on which the rates have been increased; principally in so far as they affect our business—

Senator Bills: Which is general merchandise, isn't it?

A. Yes; which is dry goods and crockery. Now, just a minute: I want to withdraw that, because that is conflicting; it might be construed there that the rates are for dry goods and crockery. What I wish to say is that our business is principally dry goods and crockery. The principal rates affected which apply to our business are the rates on boots and shoes, increased from \$2.50 to \$2.75 a hundred.

Q. Between what points?

A. New York and San Francisco; all of these rates I give will be from New York to San Francisco and other terminals. Carpet lining \$1.75 to \$1.85 per hundred on

less than carload shipments; from \$1 to \$1.10 on carload. Chimney and lantern globes from \$1.75 to \$2 less than carload; \$1.40 to \$1.50 on carloads.

Senator Burnett: Q. This is increase?

A. Increase; these are the increases I am giving you. Crockery and queensware \$1.30 to \$1.50 less than carloads; calicoes and cambric and domestic cotton piece goods \$1.50 to \$1.60 less than carloads; from \$1 to \$1.10 carloads; cotton duck and denims, cotton drills, cotton sheeting from \$1.35 to \$1.45 less than carloads; from 30 cents to \$1 in carloads. Spool thread \$1.65 to \$2. Earthenware from \$1.30 to \$1.50 less than carloads; fruit and jelly glasses, value not exceeding 25 cents per dozen, \$1.60 to \$1.70 less than carloads; \$1.10 to \$1.20 on carloads. Hollowware of cast iron \$1.60 to \$1.70 less than carloads; \$1.10 to \$1.20 on carloads. Hollowware, agate, granite and enamel, \$1.90 to \$2 less than carloads. Lamps, glass, plain or decorated, to cost not to exceed three dollars per dozen, \$1.90 to \$1.70 less than carloads; \$1.10 to \$1.20 carloads. Sewing machines, \$1.40 to \$1.50 in carloads. Stamped ware, agate or enamel, \$1.60 to \$1.70 less than carloads; \$1.10 to \$1.20 in carloads. Stamped ware, not otherwise specified, \$1.40 to \$1.70 less than carloads; \$1.10 to \$1.20 carloads. Stoves from \$1.45 to \$1.50 in carloads. Tinware from \$1.60 to \$1.70 less than carloads. Some toys from \$2 to \$2.20; other toys from \$1.85 to \$2. Tricycles and velocipedes from \$2 to \$2.20 less than carloads; \$1.40 to \$1.50 in carloads. The general toys have been increased in carloads from \$1.35 to \$1.50. Trucks, empty, owner's risk of breakage or chafing, release movement, carload rate, twelve thousand pounds, \$2.20 (the rate seems to have been abrogated, and does not appear in the westbound tariff No. 111). Washing machines \$1.75 to \$2 less than carloads; \$1.40 to \$1.50 in carloads.

Q. From what are you taking that?

A. Taking a comparison between westbound tariff No. 111, effective January 1, 1909, Transcontinental Freight Bureau, compared with the westbound tariff No. 16, Transcontinental Freight Bureau, and amendments thereto, being commodity rates in existence prior to January 1, 1909.

Q. And all these rates are by the hundred pounds?

A. By the hundred pounds or by the carloads where I state. The foregoing don't include all changes, but are the principal changes which affect our business.

Q. Were these rates put into operation, Mr. Carpenter, at a time in the year when it was easiest for your business to have a change of rate?

A. Yes; I would say they were.

Q. You don't know anything about the bean industry, do you?

A. Nothing at all.

Q. Is there anything else?

A. Yes; I wish to explain for the purpose of assisting this committee something as regards who will eventually pay for this increase in freight rates. Now, that will be taken care of through two sources; first, on rates on increases which are small it is not going to make sufficient difference in the landed cost of these commodities for the merchant to increase his selling price, and in that case the merchant will have to absorb the increase in the rate; it will come out of his net earnings. On the other hand, to illustrate, the raise in crockery, 10 to 23½ per cent increase, will immediately affect the consumer, because on a set of dishes weighing a hundred pounds it means an increase in the landed cost of thirty cents, and this is a sufficient amount to warrant the merchant in increasing his selling price for at least that amount.

Senator Burnett: Q. That is, he would have to do that?

A. He would have to do that to cover.

Q. That is due to the weight of the article?

A. Yes, and in the nature of things the consumer will eventually pay practically all of this increase in freight rates, because the merchant will necessarily have to adjust his business to the new conditions and increase his prices in accordance. Now, that is all I have to say as regards the increase in freight rates.

Senator Burnett: Q. Now, had you some other matter that you wished to offer to the committee?

A. As regards the increase in the Wells-Fargo tariffs, I can confirm the testimony of Mr. Reinheim, and in connection with this matter and in addition I wish to point out to the committee the effect of the extraordinary increase of express rates. The merchants of California, being so far removed from the originating market, which is New York City, are obliged to use Wells-Fargo Express Company, this being the only express company which reaches the California terminals, for the purpose of transporting seasonable novelties from the originating market to San Francisco and other California terminals. An increase in the express rate either makes it unprofitable for the large movement of these novelties or it so greatly increases the cost, hence also the selling price, that it reduces the consumption, thereby depriving the merchants of California of a great deal of profit which, through the customs of their business, they have become entitled. I have with me a copy of my testimony before Commissioner Lane in the case of the California Commercial Association versus Wells, Fargo & Co., which is a true copy of the substance (some typographical errors). I will be pleased to leave that with the committee.

Senator Burnett: Why, certainly; we would be glad to have it.

The witness: That is all I have to offer in connection with the Wells-Fargo matter.

George J. Bradley was called as a witness, and testified as follows:

Senator Burnett: Q. What is your name?

A. George J. Bradley.

Q. Your business?

A. I am traffic manager of the Merchants' and Manufacturers' Traffic Association of Sacramento.

Q. Your address?

A. 15 Stoll building, Sacramento. I was formerly manager of the Traffic Association in San Francisco, the organization that instituted the proceedings before the Interstate Commerce Commission, and the railroad commission of California against discriminations in rates. Now, I want to call the committee's attention to only one fact in connection with some testimony that was given here yesterday by Mr. Donnelly of the Santa Fe, in which he spoke of the California canned goods product being able to stand a higher rate than the present rate. It is a well known fact that the better quality, what is known as choice California canned goods, will sell in the Eastern market regardless of price and in that respect the better class of California canned goods would probably not be affected, but there are a large number of small canners throughout California who can the second grade fruit, which comes in competition with the middle Western and Southern canners and the far Eastern canners and they are put to it at their best to sell their product now against that competition, and the effect of a material advance in rates will simply mean putting them out of business and forcing that product into the dryers. Now, in the question of the investigation of the advanced freight rates in California there was no desire on the part of the California Traffic Association to make any unjust complaints against the railroads, but the people of California, who expressed themselves on December 30th all over the State against this advance in freight rates, want to find out whether or not an advance in freight rates was unreasonable. They feel that the only forum through which they can get such an expression is through the Legislature of California. It is a well known fact that the shippers and the merchants are organized, and they can, as a rule, protect themselves, either by an advance in the prices or reduction in the buying prices from the purchaser, but the large body of producers in California, whom you gentlemen represent, have no organization, and the only method of relief they have is through the Legislature of California. If, in your wisdom, you decided to give such a power to the Railroad Commission of California, they are certainly very competent to investigate both sides of it, and if the rates are not unreasonable and unjust no harm has certainly been done to the railroad, and the producers and the large body of citizens of California are satisfied—at least they have no reason to be dissatisfied—and we feel therefore that it is a matter that should be put up to the Attorney General and the Railroad Commission of California. Now, it is a fact that the railroad commissions of other states have made complaints before the Interstate Commerce Commission. The State of Oklahoma has done so; the railroad commission of Indiana has done so. In fact, the United States Government has filed a complaint against the Interstate Commerce Commission on account of unreasonable rates for carrying their own freight. In the act creating the Interstate Commerce Commission this paragraph appears: "Said commission shall in like manner investigate any complaint forwarded by the Railroad Commissioner or Railroad Commission of any state or territory at the request of said commissioner or commission, and may institute inquiry in the same manner and to the same effect as though formal complaint had been made."

Senator Burnett: Q. Now, Mr. Bradley, as regards this committee, what is your opinion; you heard the opinions of some of these gentlemen in regard to what we might do for the shippers, do you think that this committee could do good work by holdings meetings and bringing these commercial bodies together so as to get information?

A. I most assuredly do.

Q. And make recommendation to the Railroad Commission and the Governor as to some action to be taken in the matter?

A. I most assuredly do. Certainly no harm can come of it. The people of California have felt that the increase of rates was unjust and unreasonable by reason of the fact that the earnings of the railroad companies do not show that it is necessary. If you will pardon me just a moment I will read you some figures which I have taken down from authority that is undisputed.

Senator Burnett: Q. What is that authority?

A. It is a leaflet that is issued by Harris & Winthrop, 25 Wall street, New York, who were selling agents for the securities of the Harriman system, and they published this statement as agent of the Harriman interests. The gross earnings of the Southern Pacific Railroad have increased from \$57,500,000 in 1898 to \$125,000,000 in 1907. Their net earnings increased from fourteen and a half millions in 1898 to forty-four and a half millions in 1907. Now their ratio of expense has not shown very much change in those nine years. The gentlemen representing the railroad companies have tried to impress upon the public, and, in fact, I believe Mr. Donnelly in his testimony yesterday impressed upon your committee that the increase in rates was forced by the increased cost of operation. Now, the statistics don't bear him out. The highest ratio of expense in the operation of the Southern Pacific lines are since 1898, when the ratio of operating expenses to their gross earnings was 75 per cent.

From 1899 to 1902 their ratio of operating expense was from 63 to 64 per cent. In 1903 the ratio was 68 per cent, and the same in 1904. In 1905 the ratio was 66 per cent. In 1906 and in 1907 the ratio was 64 per cent. Therefore, taking their own figures, it shows that their ratio of expense instead of increasing, has decreased within the last three years.

Senator Burnett: Q. That don't go to 1908?

A. I haven't got the figures for 1908, Senator. Now, in 1907 their net earnings, as I said before, were forty-five millions of dollars, their gross earnings one hundred and twenty-five millions, their operating expenses eighty millions, or a ratio of 64 per cent; their net earnings after paying all their operating expenses and their fixed charges was forty-five millions of dollars. Aside from that they had a miscellaneous income (I suppose from Wells-Fargo Express and other income) of five million dollars, which made their net income for 1907 fifty million dollars. After paying all their fixed charges and their other expenses outside of dividends, they showed a net surplus of twenty-nine millions of dollars. In 1907 they paid seven per cent on their preferred stock or a dividend of twenty-seven millions. They paid a dividend of five per cent, or ten million dollars, on their common stock, after which they passed to net balance \$15,700,000. Now, I leave it in all fairness that if, as claimed, that their roadbed had run down, and that they had not been able to pay for getting new cars, what did they do with the \$15,700,000 which they passed to balance. I believe in 1908, although I haven't the figures, and I can't state officially, I believe it is generally known through the press and other sources that they will pay, or did pay, in 1908 six per cent on their common stock and will pass between twelve and fifteen million dollars to net balance.

Senator Burnett: Q. How much on their preferred stock?

A. Seven per cent; that is fixed. Now, nobody cares how much a railroad company earns, provided it is not a tax upon the people. Now, the statement—I noticed yesterday in the investigation there was several times a question asked to some of the witnesses as to this sum which, it was stated in the papers, would amount to ten million dollars increase to the people of California by reason of the advance in rates. I wish to say that probably I was the originator of that statement. When the increase of freight rates was first announced last October I took up the matter with the people of California for the purpose of getting concerted action among the people to investigate the reasons for the increase in freight rates. A reporter of one of the San Francisco papers, I don't remember now which one it was, whether it was the Call or Chronicle, interviewed me on the matter and asked me what I thought would be the increased tax upon the people. I stated that I thought that the increase would amount to about ten million dollars, between eight and ten millions to the people of the Pacific coast, not of California alone, because these rates affect all terminal points on the Pacific coast. That estimate was based in this way: It is estimated on conservative figures that the increase in eastbound California products, or Pacific coast products, I should correctly say, which is composed of canned fruits, canned vegetables and canned salmon, of which there are several million cases go from the North Pacific coast through either San Francisco or through the North Pacific coast, the minimum being forty thousand pounds to the car, and the increase being ten cents per hundred pounds, means forty dollars a car increase. Now, taking the number of cars of all those products that are shipped, it amounted to about—and leather and other products—it amounted to about four million dollars eastbound. Now, when the question of westbound comes out, of course, it is practically impossible for any man to say just exactly what that increase will mean in dollars and cents, and the only way, therefore, to arrive at it is to take the percentage of proportion now in their westbound tariff, which is composed of about between eight hundred and a thousand items. They have raised the rates from 10 to 25 cents on over two hundred articles, all of which move in quantities; in other words, the process by which the tariff has been amended has been that in every instance where there was a commodity moving in quantities the rate has been advanced; wherever there was no movement and they wished to encourage a movement, they reduced the rate. Now, you take the five transcontinental lines that operate on the Pacific coast, namely, the Northern Pacific and the Great Northern on the north and the Canadian Pacific; the Southern Pacific and the Santa Fe and the San Pedro and Los Angeles on the south, give you six trunk lines operating on the Pacific coast. If you will take their gross earnings, which amount to over four hundred millions, segregate that by allowing fifty per cent of that to passenger service, which is a very conservative estimate, because the passenger service does not amount to that, leaves two hundred million dollars of gross freight earnings. Take five per cent of that for terminal business, and business is based on terminal rates from the coast, plus the local back, because the rate, of course, is felt everywhere, the rates to the interior points are made on the terminal rate, plus the local back. Take five per cent of that and their increase in every instance has been 10 per cent, and in some cases 16½ and 20 per cent, but take a very liberal conservative estimate and put it at five per cent and you have ten million dollars; now, split that in two and take two and a half per cent of it and you have got five million of dollars. Now, that and your four million dollars on eastbound freight and you have nine millions of dollars increase in freight rates, and I believe that that is a conservative estimate. I don't see how you could get at it any closer, because every man, it doesn't make any difference where he is, every man that buys pay that ten to twenty per cent increase.

Senator Burnett: Q. You mean ten to twenty per cent increase?

A. Yes, in some cases twenty per cent.

Q. You heard the statement by the freight agent, Mr. Donnelly, who thought that the general average increase was somewhere in the neighborhood of six per cent. Do you agree with him upon that?

A. No, sir, I don't, for the reason the largest volume of commodity on which the rate has been increased, the rate is less than a dollar; and in every instance, practically in every instance, the increase has been ten cents per hundred pounds, which makes the average of increase more than ten per cent. If every article on which the rate had been raised was formerly a dollar, and the rate had been raised to \$1.10, that would be a ten per cent increase, wouldn't it? In the case of the California product, for example, the canned goods and beans, the rate was 75 cents and they advanced it to 85 cents; therefore you will see very readily that that is about nearly twelve per cent increase. The rate on leather was \$1.15 or \$1.10, and they raised that 25 cents a hundred, so you see that increase was 15 per cent; but if you notice in giving you the figures I put it down at two and a half per cent in making up the total of nine million dollars.

Senator Burnett: Q. Mr. Donnelly was then correct in saying that your estimate of ten million dollars was largely theoretical?

A. It must necessarily be theoretical for the reason that, for instance, they have raised the rate on baking powder ten cents per hundred pounds; it would be an interminable job to find out how many cans of baking powder and how many carloads are shipped to the Pacific coast every year.

Senator Bills: Q. Can you give me about the total tonnage of canned goods that are shipped east by rail?

A. No, I can not, Senator. I think I can get it for you. No, I can't say that I can get it for you, because I don't know what the total movement is from all the interior canneries. I can get it, I think, approximately, from the State Board of Trade; it is approximately about twenty thousand cars of canned goods.

Q. Dried fruits is how?

A. Dried fruits, there are between eight and ten thousand cars. Now, that is from California, you understand, of course. Oregon ships a great many prunes, then up in the north, Seattle, they ship a great deal of salmon; of course a great deal of it goes by water; some of it even moves down to San Francisco and then goes across the continent by rail.

R. D. Carpenter was recalled as a witness and testified as follows:

Senator Burnett: Q. Do you think, Mr. Carpenter—you heard what these gentlemen said here—do you think that this committee, if it continued its sessions after the Legislature adjourns, would produce anything of benefit to the shippers in the way of getting information together? What do you think about that?

A. I would say that this committee, if continued, could do a great good for this reason, that the merchant and the railroad company are naturally partisans to this raise in freight rates; and one of them says, we are not making money enough, and the other says, you are making too much; if there could be some independent investigation apart from either interest, and that investigation would bring out the facts of the case as to whether these carriers were earning too much on their physical investment or too little on their physical investment, I believe it would bring a great good to either one side or the other, and may be to both sides. For instance, we have the commodity rates, and you take a commodity rate now of the railroad company. I doubt if the railroad company themselves know whether that rate is remunerative or not; their figuring is not so finely fixed that they can determine whether they are making money on a special commodity or losing money, so it becomes necessary to take in all commodities and the readjustment of their total earnings—

Senator Wolfe: You think that the filing of a report by a legislative committee that the rates are too high—the interstate rates are too high—you think that would help?

A. I think it would create a public sentiment and would bring a more uniform idea or more uniform information. Now, personally, myself, I am not able to say to this committee that the raises in the westbound tariff are unjustifiable. It is possible that the railroad companies were carrying at too low a rate.

Senator Burnett: Q. Do you think that the results of an investigation of this committee, which, of course, are public and will be known to the transportation companies and to the shippers and the general public, might have a beneficial effect right away while the committee is in session, from day to day and from month to month?

A. Yes.

Mr. Bradley: I would say this, that it does not necessarily follow, as an illustration, the merchant is not primarily as much interested, as a whole, in the question of an advance of freight rates as is the consumer. For instance, the rate on agricultural implements having been advanced, I think, 20 cents a hundred pounds, we will say the merchant adds probably twenty or twenty-five cents a hundred pounds to make a round figure to the consumer, and he really gains by the advance in rates, but the fellow who buys the plow is affected to the last degree; he has no forum except you.

Senator Caminetti: Now, doesn't the same thing apply to the producers of California as well as the consumers?

A. Exactly, the same thing. I said that the merchant of California is organized; he can protect himself, either by adding the price on to the consumer or else he can go to the Interstate Commerce Commission, but by reason of the very fact that I stated, that he can probably make a little profit out of his advance, he is not particularly interested, but the large body of producers and consumer, who is the man at last that pays this advance; he is not organized and he has no traffic association; he has no organization to which he can go, and he comes to you, gentlemen, and asks you as representatives of the people to take this in hand.

Senator Wolfe: Then your interest here is not selfish?

A. No, sir; not at all, sir. I am not a shipper. I am traffic manager for the Merchants' and Manufacturers' Association of California. I represent the body of shippers in Sacramento, and I was subpoenaed before this committee—I presume Mr. Caminetti can probably answer the question—because prior to March 1st I was manager of the California Traffic Association in San Francisco, an association that inaugurated the hearing before Commissioner Lane and before the Railroad Commission to investigate the discriminations in freight rates by the transportation companies. If you will recall, the commission made a report in which every claim which the California Traffic Association made for discrimination was substantiated, but by reason of the Legislature of California not giving them powers to act, they could take no action, and therefore could only find the roads guilty and could not punish them.

(The committee then adjourned, to meet at the call of the Chairman.)

Also:

INVESTIGATION BY THE FEDERAL RELATIONS COMMITTEE OF THE SENATE OF THE INCREASE OF FREIGHT RATES IN THE STATE OF CALIFORNIA BY VARIOUS TRANSPORTATION COMPANIES.

SACRAMENTO, March 16, 1909.

Present, Senator Lester G. Burnett, Chairman, and Senator J. B. Sanford, constituting a quorum of the Committee on Federal Relations.

Testimony of E. D. Beard, interrogated by Senator Burnett.

Q. Now, Mr. Beard, will you kindly tell your full name?

A. E. D. Beard.

Q. And your residence?

A. Napa.

Q. And your occupation?

A. Merchant.

Q. What kind of merchandise?

A. General merchandise. I have a department store.

Q. What do you carry, general goods?

A. Yes.

Q. Will you tell us what you know regarding this increase of freight rates by the various transportation companies from the first of January, or thereabouts?

A. It is hard to answer that sort of a question. I don't know exactly.

Q. That is the way we have been doing here. They like to tell their story themselves—whether the raise is justified or not?

A. Well, I have no data before me in order to determine whether the raise is justified. I believe that it is not justified. Four years ago they established a new eastern bound tariff that made an advance considerably greater as relating to nearly all rates. I did not resist it because, I presume, from the fact that the increase was such that the burden was shifted off the shipper on to the consumer. There was no resistance made. In the present advance, it took place the first of January, and related to eastbound shipments, which was a different proposition. Now, the only data that any private citizen would have as to whether this rate was reasonable or not would be the condition of the common stock of the railroad—the Southern Pacific Railroad—on the market. I certainly have no data to determine whether the rate is reasonable or not.

Q. Do you ship East?

A. No; I ship westbound.

Q. This rate increase applies mostly to eastbound?

A. No, not mostly. The greater number of items were in the westbound shipments. The value of the eastbound shipments of fruits—dried fruits and canned goods—has been expensive shipping. It related to the shipments in a little different way. Those shipping East have to bear the loss. Any increase the merchant recoups himself for the freight on his merchandise by charging it as you would cost, so that, as I say, no man is involved in it any more than he is involved in the general welfare of the community.

Q. Do you do any shipping yourself? Do you ship goods East?

A. I told you I do not have any Eastern shipments. My shipments are all West.

Q. That is goods that you produce?

A. Yes; produced in California.

Q. Now, Mr. Beard, the articles that are shipped to you from the East—what are they?

A. General merchandise.

Q. Do you pay the freight?

A. Yes.

Q. Do you find a considerable increase?

A. I do not know exactly what the increase is. I can not give it to you. The increase related to 237 items on the westbound tariff, and out of possibly 1,400 items there was a percentage of increase in the rates. Now the percentage varied very much; on some articles five per cent, some ten, some twenty-five. I estimated roughly that the increase on goods I shipped would be about five or six per cent, but that was very casually estimated in going over the new schedule and comparing it with the old. I estimated that it would affect me in that way.

Q. Do you do a retail business?

A. Yes.

Q. That increase comes out of the consumer?

A. Yes; as I told you, the merchant charges the freight as you would cost.

Q. What kind of goods do you handle?

A. I handle in the department store drugs, clothing, groceries, household goods.

Q. Do you think that any benefit would be derived if this committee should hold over and make an inquiry into the condition of freight rates?

A. It would depend entirely on the earnestness and the amount of enterprise and spirit that was put into it. It might be very valuable, and it might not be of value at all. If the committee was very much in earnest, and very well equipped, and should assert themselves very hard they could certainly accomplish something.

Q. Do you know anything about an increase, if there is an increase, in local rates within the State?

A. Not in our section. We are located on the water.

Q. Along the Napa River?

A. Yes.

Q. Is there anything else, Mr. Beard, that you can tell us?

A. No.

Q. I think that is all, Mr. Beard.

Testimony of George S. Minott, interrogated by Senator Burnett.

Q. What is your full name, Mr. Minott?

A. George S. Minott.

Q. And your occupation?

A. Transcontinental rate clerk, Salt Lake line.

Q. What is your address?

A. Los Angeles.

Q. Your street address?

A. Pacific Electric Building.

Q. Now, Mr. Minott, what do you—from a railroad man's standpoint, what do you know about this increase of rates, and why it was increased?

A. Well, I couldn't tell you very much about it, Senator. The increase took place at a meeting last September, at which time the Salt Lake line was not represented, only through another line. That was the Union Pacific, I believe. So far as I know, I can not say anything as to the increase at all.

Q. You do not know the argument advanced by the railroad—that is, the alleged reason for the increase?

A. No; I couldn't say one way or the other.

Q. Who made this increase, the Transcontinental Freight Company?

A. Yes. All freight lines.

Q. What lines are in that transcontinental freight line?

A. There is the Salt Lake line, the Southern Pacific, Santa Fe, Union Pacific,

O. R. & N., the O. S. L., the Canadian Pacific, and Northern Pacific. In fact, all the lines.

Q. How far East does this tariff apply?

A. All the way to New York. (Witness produces books and rate sheets.)

Q. These are the charts, are they?

A. Yes.

Q. It would take some time to enumerate them.

A. I should think it would.

Q. Those lines are all parties to this tariff?

A. Yes.

Q. Now, what portion of the Union does this tariff apply to?

A. All portions.

Q. To the Southern States?

A. Yes.

Q. It does?

A. Well, no; this freight tariff does not, but there is another tariff that does apply to Southern territory.

Q. Was there an increase in that tariff, too?

A. Well, yes. There was according to the rates in this tariff. There is an arbitrary rate in some instances over these rates, but in other cases these rates will apply from certain points in Southern territory, but those rates are fixed by the southeastern lines, where they demand an arbitrary over the transcontinental rate. In this tariff which applies January 1st the other lines apply what we term as the

Cincinnati-Detroit rate. They apply the Cincinnati-Detroit rates from certain points in that territory, but from other points there is a fixed basis from the Cincinnati-Detroit territory rate.

Q. You know it makes me kind of laugh, because I have studied this tariff just enough to know how little a man who does not study them very much can know about them.

A. You have to put in some time. It is only reasonable, you know, when you take into consideration that a lot of the tariff is local in the southern lines. They are not going to apply a common point basis over local territory, are they?

Q. Say it once more.

A. Take a common point. Well, take Louisville, Kentucky. That is a common point. There are over two lines serving that point. You take an interior point that is local, we will say Louisville-Nashville; they only serve one point; there is no competition at all. They have to get some compensation for the local territory. They have to combine the arbitrary from Louisville.

Q. Is that a higher rate?

A. Yes; very possibly.

Q. Now, Mr. Minott, there has been an advance in rates among both eastern and Western points—freights between here and East and back, has there not?

A. Yes.

Q. On many articles?

A. Yes.

Q. Now, this chart you have here. (Showing book.)

A. That is on Wells-Fargo.

Q. You want to leave this with me?

A. Yes.

Q. File this as an exhibit?

A. Yes. That is, on file with the Interstate Commerce Commission.

Q. That is the purport of this, Mr. Minott—this contract?

A. I have only read this over once. I read it on the train. I did not know it existed until to-day.

Q. Mr. Reporter, make a note that this is filed as an exhibit in the case. Contract between the San Pedro, Los Angeles and Salt Lake Company and Wells, Fargo & Company, marked "Contract 970, S. P., L. A. & S. L. Railway Company," dated the second day of January, 1908.

Q. How long does that contract run?

A. It runs to January 1, 1910.

Q. How long has your road been open?

A. Since May, 1905.

Q. Have you been with the road all that time?

A. No; only since June, 1906.

Q. Was the Wells-Fargo operating over your lines at that time?

A. I could not say.

Q. Now, Mr. Minott, it don't seem to me as though I could find out much from you.

A. Mr. Beard made a statement regarding household goods rate. I think if Mr. Beard will look at this tariff he will find that the household goods rate has been reduced.

Q. Since the first of January?

A. Yes.

Mr. Bradley: When he said household goods I think he referred to new furniture.

A. The furniture rate has not been changed.

Q. I do not think that he made the statement it had been.

A. The household goods rate prior to January 1st, from Chicago, we will say, was \$1.12½—carloads. The rate is now \$1.10.

Mr. Bradley: Mr. Beard meant when he said, when the chairman asked him what he sold, when he spoke of household goods he—

Senator Burnett: We do not know that.

A. Now, we will take the furniture rate, for instance. I do not think the furniture rate has been changed. Here is your increased rate here. We will take new furniture; that is, \$2.20, 12,000 pounds minimum. Do you not think the furniture rate has been changed? \$2.20 was the rate prior to January 1st. It reads—new furniture, \$2.20, 12,000 limit. No change occurred.

Q. Now, do you know, Mr. Minott, whether any of these articles on which the rate was changed last January have been restored to the original rate?

A. No; I couldn't say as to that, Senator, unless you quote me a specific article.

Q. Well, say beans, for instance.

A. The rate prior to January 1st was seventy-five cents.

Q. Has that been changed?

A. No.

Q. There was another article in the nature of beans; do you know what that was? Are dried fruits the same?

Mr. Bradley: I can answer that question. The late meeting of the transcontinental lines in January and February decided to restore the seventy-five cent rate on beans to Kansas, Nebraska, and Oklahoma Territory.

Q. That is from here?

A. Yes, sir.

Q. Only to those territories?

A. Yes, and possibly to some points in Texas, but I have the docket in my office. The tariff has not been printed yet. They all decided at this meeting to restore the seventy-five cent rate from California points to Oklahoma, and, I think, Nebraska and all Missouri River points.

Senator Burnett: Mr. Minott, I do not think there is anything more I can ask you. I think we will call it a day, as far as you are concerned.

Testimony of Edward M. Gray, interrogated by Senator Burnett.

Q. What is your full name?

A. Edward M. Gray.

Q. Your occupation?

A. A merchant.

Q. What kind of goods do you handle?

A. Beans and grain.

Q. Will you just give us your views in regard to this increase in freight rates? I do not ask specific questions, because your lines of business are lines I am not familiar with?

A. Our beans here are raised in Ventura, Santa Barbara, San Luis Obispo, and the river districts—Sacramento and San Joaquin, and they are shipped to terminals down below, and also from San Francisco, Stockton, and Sacramento. Our rate has been for years seventy-five cents, and of course this year the values have risen very materially, on account of scarcity and late crops in the East. Not only here, but in the Far East—in Manila. We feel that the raise from seventy-five to eighty-five cents—two dollars a ton—hurts our business in certain sections where the competition from Michigan and Wisconsin is against us. The competition, for instance, in certain points in Texas—they can ship under this raise now, where before under the seventy-five cent rate it was nearly a stand off, if anything, in our favor. Now, we are prevented from shipping to those points. That market is lost to us. Then it also hurts for another reason—that the low rates from California, I mean the advance in rates, helps the foreign points. Prices have got so high of late years that we have imported thousands of bags into this State. They are shipping beans from Bohemia and Austria to the Atlantic seaboard, across the ocean, and shipping them, say to Beaumont, Texas, at eight or ten cents a ton cheaper than we can raise beans here.

Q. What is the difference in the distance.

A. The difference from New York would be to Beaumont, probably about 1,500 miles.

Q. From New York to Beaumont, Texas?

A. Something like that. Mr. Bradley says that this restoration of the rate from eighty-five back to seventy-five applies to Oklahoma, Kansas, and Nebraska. We ship very few beans to those few states.

Q. Never have?

A. No. They can get a rate there better than we can in Oklahoma and those points.

Q. Now, how far is it from here to Beaumont, Texas?

A. I should imagine about—I suppose nearly 1,400 miles. Just about the same, but these foreign beans come nearly 4,500 miles by water and rail.

Q. I do not know their rate from New York City. You could not tell me, Mr. Minott, could you?

Mr. Minott: I do not know what rate, but I should imagine they would get from New York somewhere near ten cents a ton.

Q. From New York to Beaumont, Texas?

A. About fifty-five cents.

Q. That is the imported article?

A. Yes.

Q. What is the duty?

A. I think it is forty-five cents ad valorem. I know that is the duty from Victoria. It would be the same of course.

Q. What per cent?

A. Forty-five per cent.

Q. Of the cost?

A. Of the cost.

Q. From the place it was shipped?

A. Yes.

Q. They pay the water rate and then the rail rate?

A. Yes.

Q. From the place it was shipped?

A. Yes.

Q. They are cheaper from there?

A. We ship beans from here to New York direct, and from New York on the Clyde line down to Tampa, Florida, and Jacksonville cheaper than we can direct from here to New Orleans by rail.

Q. Is that the entire distance by rail?

A. Yes.

Q. When you ship by the Clyde line you ship by water?

A. Yes.

Q. Will you tell me what you think the answer is to this proposition in regard to this increase?

A. I think it militates against California, and retards trade. I think it should be restored as it was before.

Q. You mean that all the shippers feel that way?

A. Yes; they feel that it was a great injury and injustice.

Q. Do you know I subpoenaed at least nine more men who have not come up here? Do you think that indicates an interest in these proceedings?

A. I can not understand that.

Q. I may be doing them an injustice to some extent, because they only had one day's notice, but I had hoped that more could come.

A. I was hoping Mr. Scott would be here.

Q. I understand he was coming. Mr. Kullmann, too.

A. Something must have happened.

Q. Just as you say, it was short notice. Mr. Kullmann is not responsible; we did not serve him. We could not find him. Now what do you base your contention on—that the rate is too high? You mean the reports of the railroads in regard to their earnings; the per cent they paid on their stock, indicating a healthy condition of the roads?

A. Yes; exactly. That is one idea, and it shows a discrimination between California and our competitors.

Q. Do you think that it is the duty, or the province, rather, of the railroad to establish rates between two foreign points into certain territory for the purpose of selling goods in that territory, and to maintain an equality between competitors in that market, or do you think that it is the province of the railroad and the duty of its controllers to charge a rate anyhow, irrespective of the question of competition between two points in order to get a return on their investment?

A. Well, to answer that—

Q. That is the question that bothers me, and I will tell you also that, looking at this entirely as an outsider, being neither a business man nor a railroad man, it seems to me at times as if the shipper had the view that the transportation companies had to kind of take care of them, and I must say that at times it almost seems to me that the transportation companies had the view that they had to. What do you think?

A. I think, in a way, probably they do. I think the question, of course, is one of the greatest good to the greatest number. If they can bring foreign beans here and feed people, and supply our market, probably they would be better off—the most of the people, on the principle of the greatest good to the greatest number, than if they didn't do it, and our prices would soar very high. On the other hand, I think that the railroads should protect, as far as they can, the companies from which they derive their revenue.

Q. That seems to be fair. Now, can you tell me anything else that you think would be of interest?

A. I don't know of anything else, Senator.

Q. Could you obtain for this committee any expressions of opinion from merchants or shippers in San Francisco or other localities; that is, in the way of affidavits?

A. I could.

Q. If you would, it would be of great assistance to us. Ask them to set their views out carefully, and not to do any talking at random.

A. I am chairman of the Bean Committee, and I should be very glad to put that before the committee and the principal bean houses and write you direct, giving their views. I think that would be very helpful.

Q. Yes; we will file them here, and if there is anything else in the way of documents or books that they would supply us with, either in the way of seeing other people, or anything else, we would be most pleased to receive them. I think that is all, unless someone else wishes to ask a question.

Testimony of R. J. Somers, interrogated by Senator Burnett.

Q. What is your full name?

A. R. J. Somers.

Q. And your business?

A. Hay and grain merchant.

Q. What is the name of your firm?

A. Somers & Company.

Q. Where is your place of business?

A. 37 California street, San Francisco.

Q. Will you tell us how this increase of rates has affected you?

A. Speaking personally of our business, it has not affected us at all. We are local shippers absolutely. I think I am here under a little misapprehension. I understood that this committee was inquiring into not only the increase in freight rates, but also discriminations in regard to local shipments.

Q. We would like to know that also. That is, in fact, one of the very things that this committee is for. We have not been able to find many people along that line.

A. I will state an example, a very flagrant case, in my mind, of discrimination. The freight rate from Salinas on whole barley to San Jose is \$2.10 a ton. The freight rate on whole barley from Salinas to points between San Jose and San Francisco, including San Francisco and not including San Jose, is \$2.80 a ton. Now, the freight rate on rolled barley from Salinas to San Jose only is \$1.75 a ton.

Q. From Salinas to San Jose?

A. Yes.

Q. \$1.75?

A. Yes; and the freight rate on rolled barley from Salinas to points between Lawrence and Colma inclusive is \$2.25 a ton.

Q. \$2.25?

A. Yes; \$2.25 a ton. Now, rolled barley is nothing but whole barley crushed. This, in my mind, is an absolute discrimination; in fact, it looks as if a person having a mill at Salinas could buy barley from the farmers at Salinas, roll it, and land it at any of these places intermediate between San Jose and San Francisco cheaper than it would allow a person at one of these intermediate stations to buy the whole barley at Salinas, ship it to his place of business and roll it there.

Q. That is, it is \$2.10 from Salinas to San Jose; that is whole barley?

A. Yes.

Q. And \$2.80 from Salinas—

A. From Salinas to points between. I should say Lawrence and San Francisco, inclusive.

Q. Between Lawrence and San Francisco?

A. Inclusive.

Q. Which side of San Jose is Lawrence?

A. This side.

Q. Does that include San Francisco?

A. Yes.

Q. Now, Salinas and points between Lawrence and Colma—how do you fix that place?

A. First station the other side of San Francisco.

Q. \$2.75? That does look like discrimination.

A. And on arbitrary from Salinas to San Francisco, it comes up to \$2.80.

Q. Why is that?

A. Because of discrimination; an absolute discrimination in favor of the manufacturer.

Q. Is there a manufacturer of rolled barley down there?

A. Yes, sir.

Q. Do you know of any other incident of that kind?

A. I could study out a good many. That is a very flagrant one.

Q. This comes in the line of your business?

A. Yes. I might, perhaps, state that the rate on bran, middlings, and cracked corn from Salinas to San Jose is \$1.25 a ton.

Q. It is?

A. And the rate from Salinas to San Francisco goes up to \$2.80 again.

Q. Tell me that again.

A. The rate on middlings, bran, and cracked corn from Salinas to San Jose is \$1.25 per ton. The rate on the same commodities from Salinas to points between Colma and Lawrence is \$1.75 per ton.

Q. You mean Lawrence from Colma, don't you?

A. Between Lawrence and Colma.

Q. How much?

A. \$1.75 per ton, and then from Salinas to San Francisco \$2.80.

Q. What is the cause of that?

A. Mill again. It enables the manufacturer at Salinas to buy barley and wheat from the farmer at Salinas, manufacture it, and ship it up between San Jose and San Francisco at lower figures than any outsider can go down there and buy grain from the farmers and bring it up and manufacture it there and sell it.

Q. Manufacture it in San Francisco?

A. Yes, because of the rates for manufactured articles. Now rolled barley is not a manufactured article; it is simply crushed. Because the rates on whole grain are so much higher than the rates on rolled grain.

Q. I see the idea exactly. You have to have a mill there.

A. Is not that discrimination?

Q. Most assuredly.

A. I read those rates from Supplement No. 12 issued by the Southern Pacific Company.

Q. Let me suggest this to you. This may be all wrong. What I am telling you: I understand that these railroad companies have a way of trying to build up a business in a certain locality. You know they claim they give rates at certain times for the purpose of building up an industry in a certain locality. Is that responsible for this at all?

A. I can not say.

Q. Are there any other instances?

A. Oh, I suppose I could name a lot.

Q. I tell you what I wish you would do for me, if you will. At your leisure in the next day or two, if you find these cases, if you could just tabulate them and send them to me.

A. Yes.

Q. If you will write them down and send them to me.

A. In fact, as a matter of interest, I telephoned to the S. P. Company to get their rates. They gave them to me all wrong. They even sent me a written confirmation. I sent a man to their office and showed the clerks wherein they were wrong, and they finally figured it out again and sent me a confirmation which was according to the report I have just read to you.

Q. What was the reason of that?

A. I think the clerks made a mistake.

Q. Were the rates lower?

A. No; higher.

Q. You mean they quoted you higher rates than are on this tariff?

A. Yes. I think I have quoted all their terms here. That is just one instance, but it is a very flagrant case of discrimination, in my mind.

Q. Your business is handling hay and grain?

A. Yes.

Q. They quoted you higher rates at first?

A. They quoted me \$2.10, figured on the San Jose rate at \$2.10.

Q. Now, suppose that you had shipped under the \$2.10 quoted rate, would you have had to pay \$2.25? I am only asking. They quoted you \$2.10?

A. I would have to pay \$2.25, no matter what they quoted me.

Q. You have to go to the railroad company and look at their tariffs?

A. If it is filed with the Interstate Commerce Commission they would hold you to it.

Q. Does that tariff carry the O. C. number?

A. Yes.

Q. They use it on interstate traffic?

A. Yes.

Q. Is it the rule that where the railroad company files a tariff on interstate business that they are bound by that tariff as filed with the Interstate Commerce Commission?

A. Yes. They use it to apply on interstate traffic as a combination basis.

Q. Is there anything else, Mr. Somers, in regard to local rates?

A. I think that is sufficient. There are other cases, but that is an example which I think is the most important one.

Mr. Bradley: May I ask a question? What is the rate from Portland, Oregon, to San Francisco?

A. Four dollars, I believe.

Q. The rate from Portland to Seattle is six, is it not?

A. I do not know. The rate on hay from Lovelock, Nevada, to Hayward, California, is in the neighborhood of ten dollars a ton. In other words, you have to make your shipment from Lovelock, Nevada, to San Francisco and then reship it from San Francisco to Hayward. There is a general commodity rate from Lovelock to San Francisco of ten dollars, and they have a special rate on hay only from Lovelock to San Francisco of ten dollars a ton. It is simply to move a great deal of that excess hay they have up there to San Francisco for the stock yards. A great many of the stock yards buy their cattle in Nevada, and when a rancher sells his cattle he wants to sell his hay, and, therefore, they have made this very low rate on hay in order to move the stuff out of that place.

Q. The consumption is at San Francisco?

A. Yes.

Q. They are taking care of the consumer in San Francisco?

A. Not necessarily. They take care of the producer.

Q. What is your idea of that, Mr. Minott, as a railroad man?

A. I do not know anything about the local conditions between Lovelock and San Francisco.

Q. I want to know why that rate was put in of \$3.80, or rather, \$3.50.

A. I do not know why it was. I assume that the consumption was at San Francisco, and there was no necessity for a lower rate to Hayward, because the hay was not going into Hayward.

Q. Has the fact that there is water transportation into San Francisco anything to do with that?

A. No. There may be some other competitive conditions that force it. For instance, if a man grows hay by the river and brings it down by boat, then these men from Lovelock would not have a chance to sell their hay if they did not have that rate.

Q. That is what I am trying to bring out—if there is a competitive condition that forces that rate from Lovelock.

A. I will tell you this: it is comparatively seldom that they bring hay from Lovelock, even under this \$3.50 rate.

Q. Hayward is an inland town?

A. Not necessarily. It is not served by water. You can haul a short distance. I just mention that as an example of how special rates are made to one point only.

Q. You did not state the conditions that force that rate.

A. Well, I don't know much about those conditions.

Q. Now, Mr. Somers, if you will send me that information.

A. I will send you an itemized account of this Salinas matter I spoke of. I think that will be sufficient to show.

Q. Mr. Minott, you do not know anything about Wells-Fargo, do you?

A. No.

Q. Well, I think the meeting will stand adjourned, gentlemen.

I, Earle Freeman, the stenographer employed to take and transcribe the foregoing testimony, hereby certify that I believe the same to be a true and correct copy of the testimony taken before the Senate Committee on Federal Relations on the 16th day of March, 1909.

EARLE FREEMAN.

Also:

EXHIBIT 1.

Statement regarding Wells-Fargo Express Co., their capital and earnings, filed by J. O. Bracken with Federal Relations Committee of Senate March 12, 1909, taken from published financial statement:

Earnings from operating only—1906.

Gross	\$18,683,035
Operating expenses	16,138,073
Net	\$2,544,962

Year ending December 31, 1907, on lines in United States only

Gross	\$22,135,122
Operating expenses	19,347,327
Net	\$2,787,795

Wells, Fargo & Co.'s investment for express purposes only is \$1,600,000.

The holdings in Wells, Fargo & Co. by the Southern Pacific Company are \$1,530,000.

Wells, Fargo & Co.'s capitalization is \$8,000,000.

The total mileage of Wells, Fargo & Co. is 43,914, and by states as follows:

California	7,514
Texas	7,342
Kansas	3,545
Oklahoma	3,464
New Mexico	2,444
Missouri	2,272

From which it appears that the mileage in the State of California is greater than any other state, being approximately one sixth of the total mileage operated by Wells, Fargo & Co.

The Interstate Commerce Commission have held that when the total net earnings of a transportation company yield a fair return on the investment, no part of a rate schedule may be advanced without a corresponding reduction elsewhere; and using this as a basis, if the income of a transportation company on their present rate adjustment is too great, some part of the general schedule of rates should be reduced; and what more reasonable than that the first and most important part of that reduction should be made in the state where the largest mileage is operated by that company.

The Interstate Commerce Commission have held that as a maximum, express rates should not be in excess of three times the first-class freight rate. The railroads in their contracts fixing a minimum of one and one-half times their first-class freight rate, below which the express company may not go.

The percentage of increase in Wells-Fargo's transcontinental quantity rates resulting from the withdrawal of those rates is as follows:

2,000 pounds	35%
5,000 pounds	50%
10,000 pounds	68%
20,000 pounds	92 8-10%

Taking the total investment of Wells, Fargo & Co. for express purposes only, which is \$1,600,000, and their net earnings from their express operation only, which in the year 1906 was \$2,544,962, it would appear that their business from express operation only is greatly remunerative with reference to the amount of capital invested, and which would seem to call for a general reduction of their entire rate schedule.

EXHIBIT 2.

Filed with Federal Relations Committee, March 12, 1909, and marked Exhibit 2.

SAN FRANCISCO, March 11, 1909.

Hon. Lester G. Burnett, Chairman Committee on Federal Relations, Sacramento, Cal.

DEAR SIR: I am in receipt of a summons, ordering me to appear to-morrow, Friday, March 12, at two P. M., to testify regarding recent increase in freight rates from points in the State of California to Eastern points.

Owing to Mr. Trunker's departure for Arizona on Saturday evening last, it will be impossible for me to attend this meeting, as I have no one to leave to take charge of the business during my absence. For this reason I trust that you will excuse my non-attendance.

Our firm is very much interested in this increase in freight rates on bean shipments. We believe the increase both unwise and unjust; unwise because the railroads have not increased the rate on beans from Michigan and New York points to the Middle West and Texas, where we have to compete with Eastern beans, and unjust because the former rate of 75 cents per cental is all the traffic will bear.

Yours truly,

W. C. BARNARD.

EXHIBIT 3.

Statement filed with Federal Relations Committee of the Senate, Burnett, Chairman, by Vogelsang & Brown, March 16, 1909. Financial statement, etc., Wells, Fargo & Co.'s Express, taken from Moody's Manual, published August 29, 1908:

<i>Income Account—Years ended July 31</i>			
	1906-7.	1905-6.	1904-5.
Gross earnings from express business..	\$22,934,425	\$18,683,035	\$16,870,194
<i>Disbursements.</i>			
Transportation		\$8,973,234	\$7,766,094
Stable expense		1,430,552	1,296,136
Salary, damage, etc.....		4,163,503	4,503,128
Rent	\$19,566,403	274,431	259,113
Miscellaneous expenses, taxes		399,336	453,258
Insurance		39,589	42,164
Supplies, equipment, etc.....		557,728	431,694
Total disbursements	\$19,566,403	\$16,138,073	\$14,453,887
Net	\$3,368,022	\$2,544,962	\$2,416,307
Other income	945,882	520,000	0
Total net income	\$4,313,904	\$3,064,962	

Statement of Earnings for Year ended December 31, 1907.

Gross earnings on all lines within the United States.....	\$22,135,122
Gross earnings on all lines in foreign countries.....	1,497,412
Gross earnings on all sea and ocean lines.....	181,000
Aggregate gross earnings on all lines.....	\$23,813,534
Total "net earnings" on lines within United States.....	\$2,787,797
Total "net earnings" on lines in foreign countries.....	383,770
Total "net earnings" on all sea and ocean lines.....	25,676
Total "net earnings" on all lines.....	\$3,197,243

General Balance Sheet.

<i>Assets—</i>	July 31, 1907.	July 26, 1906.
Stocks and bonds	\$6,892,665	\$5,375,710
Real estate	2,505,127	1,776,762
Cash, Wells, Fargo & Co.'s Bank (subject to current business)	676,387	187,291
Bills receivable	307,332	313,944
General Cashier Express, New York, cash capital.....	400,000	400,000
Loans secured by Stock Exchange collateral.....	14,336,504	12,674,004
Treasurer State of Oregon	50,000	50,000
General Manager Express, San Francisco.....	7,663	
Car purchase account	71,118	
Equipment, estimated	1,250,000	
Total	\$26,496,799	\$20,777,711

*Not stated.

	July 31, 1907.	July 26, 1906.
Capital stock	\$8,000,000	\$8,000,000
Reserve and insurance fund	16,454,308	7,730,089
Profit and loss		4,855,194
Real estate reserve	222,850	123,086
Suspense	10,420	10,105
Wells, Fargo & Co.'s Bank, Salt Lake.....	39,883	39,883
Wells, Fargo & Co.'s Bank, San Francisco.....	19,338	19,354
Union Pacific Railroad	500,000	
Current liabilities, estimated	1,250,000	
Total	\$26,496,799	\$20,777,711

EXHIBIT 4.

Filed with the Committee on Federal Relations of the Senate March 16, 1909.

PROTEST OF THE TRAFFIC BUREAU OF THE MERCHANTS' EXCHANGE AGAINST PROPOSED ADVANCE OF FREIGHT RATES TO AND FROM CALIFORNIA TERMINALS.

To Mr. H. A. Jones, Freight Traffic Manager of the Southern Pacific Company, and to Mr. Edward Chambers, Freight Traffic Manager of the Atchison, Topeka and Santa Fe Railway Company.

GENTLEMEN: The Traffic Bureau of the Merchants' Exchange of San Francisco is an organization formed under the auspices of the Merchants' Exchange of San Francisco, and comprises in its membership a large number of representative persons, firms, and corporations who are engaged in the wholesale business, in manufacturing or in the shipping of California products, and who have their principal business locations in the city of San Francisco and elsewhere in California. It is organized for taking an active interest in all that concerns the trade and commerce of the city of San Francisco and the State of California, and particularly in the transportation conditions affecting such trade and commerce. Its office is in the Merchants' Exchange Building, in the city of San Francisco.

The Traffic Bureau has received a number of protests relative to the proposed increase in the east and westbound tariffs applying at San Francisco and at other California terminals, as shown in the Transcontinental Freight Bureau Eastbound Tariff No. 3F and Transcontinental Freight Bureau Westbound Tariff No. 1H, effective January 1, 1909. The Traffic Bureau accordingly presents to you these protests in your capacity respectively of the freight traffic representatives of the Southern Pacific Company and of the Atchison, Topeka and Santa Fe Railway Company.

Your companies represent the traffic interests of San Francisco and the California terminals in the Transcontinental Freight Bureau, and it is to your companies that this Traffic Bureau must primarily direct its protest and the protests of its members in case of a proposed change of traffic conditions which the Traffic Bureau believes will be injurious to the interests both of its members and of the railroad companies whom you represent. The Traffic Bureau believes that, while your companies desire to receive for the transportation service rendered by them the full compensation which the circumstances and conditions surrounding the traffic will permit, at the same time they will look wisely to the continuance of that traffic and to its development and to the development of the State of California in order that the freight traffic now handled by your companies may not only continue undiminished, but may increase in direct ratio to the growth and development of California. It is also believed by the Traffic Bureau that, if it can be shown to you and your respective companies that the proposed increase in freight rates in any instance shall tend, on the one hand, to decrease your freight traffic, or, on the other hand, to retard the development of California or any of her industries, you will at once take into serious consideration the conditions that may be shown to you, and that you will proceed within your powers to reform the tariff in these respects and to cancel the proposed increase in tariff whenever and wherever you shall find that its effect will be thus deleterious. We have no doubt that the Traffic Bureau can meet you upon this common ground; that the development of California and her industries is mutually beneficial to the merchants, manufacturers, and producers of California and to your companies, which are the beneficiaries of the increased traffic movement.

We now proceed to give you a brief statement of the specific objections made by protestants, members of our bureau. These statements are drawn from written protests, which are on file with the Traffic Bureau.

EASTBOUND RATES—CALIFORNIA PRODUCTS.

California Grown Beans—

There are about 3,000 cars of California grown beans shipped to Eastern markets from California each year. The proposed advance in eastbound rates on carloads is from 75 cents to 85 cents per hundred pounds. The carload minimum on this commodity is 40,000 pounds. The increase of 10 cents per hundred pounds represents a total additional charge of \$120,000 per annum. The market for this com-

modity has heretofore been found in numerous cities in the Middle West, where the California product meets the product of Michigan. The Michigan product has always had a great advantage in its freight rate at these markets, ranging from 10 cents to 35 cents per hundred pounds. We are informed that no advance has been made by the railroads on freight rates on beans from Michigan to these competitive markets, and it is claimed by our protestants that the contemplated advance of 10 cents per hundred pounds will result in the loss of the trade in this commodity in the territory of the Middle West. We are assured that under the proposed increase of the freight rate on beans these markets will be largely, if not entirely, lost to the Pacific coast. If this be true, the consequent loss of traffic to the railroads and disaster to the bean growers of California is apparent.

Canned Goods—

The shippers of canned goods to Eastern markets protest against the increase in carload ratings eastbound from 75 cents to 85 cents per hundred pounds. This industry represents one of California's most important Eastern shipments. Under the present rate, which has now been in force for many years, this industry has grown to great proportions. It supplies to your companies not only a large part of its eastbound traffic, but it also causes a large westbound shipment of articles used in the industry which are brought from the Eastern States, such as tin plate, cans, glass jars, and bottles. Furthermore, its local shipment over your lines to factories scattered throughout the State are of serious traffic importance. Thus, the season's supplies of cans shipped to local factories amount to nearly 2,000 carloads. Three hundred and fifty carloads of sugar are locally shipped and 750 carloads of boxes. Of fresh fruits and vegetables some 7,000 carloads are shipped annually throughout the State and 350 carloads of fuel. Notwithstanding these conditions, the California packers have had their territory more and more limited on competitive staple articles, which represent the large volume of their business. The carload minimums have been increased. The present tariff has been in effect for fourteen years. When it was first published the carload minimum was some 24,000 pounds. This was afterwards increased to 30,000 pounds and finally to 40,000 pounds. This increased minimum has worked a hardship upon producers and shippers since it has concentrated the movement of the traffic to a short period. Buyers who could formerly buy two cars at reasonable intervals, buy but one, and require it immediately after the packing season. Under these conditions it is strongly contended by the canned goods industry of this State that the increase in the carload rate is unjustified and must tend to seriously decrease the territory in which they can compete and will necessarily have a depressing effect upon the fruit growing industry of California, and consequently must result in a decrease in the shipment of canned goods. In a word, the canned goods industry of California is now bearing as high an eastbound traffic as it can carry. The proposed increase must necessarily decrease the product and its shipment.

A further condition to be noted in this regard is that there has been a very bountiful crop of fruit in California during the past season and accordingly a very large pack of California canned fruits has been made. The market is depressed and the carry-over will be large even if no increase in the freight rate is made. It is urged that in the past, when an overproduction has occurred by reason of heavy crops or depressed markets, the transportation companies have frequently reduced rates or made emergency rates to move the surplus on the ground that such action was necessary to dispose of the surplus and secure the normal production and consequent volume of business in subsequent years. In view of the similar condition now existing in California it therefore not only appears that this proposed increase in freight rates is inopportune, but that the rate might be well decreased to meet the existing condition, or, in other words, that instead of increasing the rates the carriers might in their own interests come to the relief of the shippers and make a reduced rate to move the pack. It has been the fixed policy of your companies to encourage farmers to come to California and to enter into the fruit industry, but it will be impossible for growers of canning varieties of fruits to get a market for their product under the increased freight rates. The tendency of the increased freight rates on canned goods must necessarily be to discourage the fruit growing industry and to deter the horticultural development of this State. Surely, this is not the intention of your companies and surely upon your attention being called to this condition you will make a careful investigation of the facts presented and will grant the relief sought if the conclusions herein presented are true.

Dried Fruits—

A similar condition exists in respect to this industry. The eastbound rate upon dried fruits has remained the same since about 1903, but the carload minimum has been greatly increased from about 20,000 pounds to 40,000 pounds, and as a result the number of mixed cars has also increased. In order to load these mixed cars the goods are assembled at a common shipping point, and the amount paid annually for such an assemblage has likewise been largely increased, owing to the larger numbers of assemblings necessary, and the fact that the local rates are now much higher than they were in the past. The proposed increase of 10 cents per hundred pounds on dried fruits is \$40 on a minimum car, or \$360,000 on an average season's shipment of say 9,000 cars. As in the case of canned goods this condition must tend to

decrease the market for California dried fruits because of the inability of the shipper to meet the competition under the increased freight rate, there being only one other alternative and that is, that the fruit grower must bear the loss to the consequent injury of the fruit growing industry of California and the resulting injury to your companies from the retarded development of California. It is also true that in the case of dried fruits California has to-day a large holdover stock of some varieties. Accordingly, pursuant to the custom of the carriers in the past, the dried fruit shippers are justified in expecting instead of a raise of rates an emergency rate. A low emergency rate is particularly necessary at the present time on raisins.

Tanning Industry—

The California tanners present a strong case for relief. Their market is largely in the Missouri River territory. Their shipments are entirely less than carload and are accordingly essentially railroad shipments. They present no feature of actual water competition. The capital employed in this industry in California is between seven and eight million dollars. It is shown that the proposed advance of 20 cents per hundred pounds is impossible for this industry to bear, and, if insisted upon, will result in its substantial ruin, or in other words, if your companies insist upon this increase, the eastbound transportation of California produced leather will cease, together with substantially all of the other local shipments which your companies enjoy on hides, bark, leather and supplies of all kinds which are used by and shipped to these tanning industries. The tanners have, however, presented their case clearly and succinctly, and we take the liberty of attaching their protest to this letter, as it contains what seems to us a conclusive demonstration of the un wisdom of the proposed increase on the eastbound rating on this commodity.

WESTBOUND RATES.

Linseed Oil—

We have also a protest on file against the advance in the rate on linseed oil which has been advanced from 90 cents to \$1.00 per hundred pounds, notwithstanding the fact that the rate on this commodity was advanced in May, 1907, from 78½ cents to 90 cents per hundred pounds.

Linseed oil is an article that enters very largely into the manufacture of mixed paints and white lead, and the Pacific coast paint manufacturers use large quantities of this oil for this purpose. The advance, it is claimed, is unjust, owing to the fact that the manufactured article coming from the East containing linseed oil has been advanced only 5 cents per hundred pounds as against the advance on linseed oil of 10 cents per hundred pounds. Moreover, it is plainly inconsistent, as well as discriminatory against coast manufacturers, to charge the rate of \$1.00 per hundred pounds on linseed oil, a raw material, and 95 cents per hundred pounds on mixed paints and 85 cents per hundred pounds on white lead, both of which are manufactured products containing linseed oil. We are confident that the inconsistency and injustice of this advance on a raw material will be at once admitted and remedied. It seems plain that the 10 per cent advance on linseed oil should not have been made, and that the rate should remain not higher than 90 cents.

A similar condition exists in the case of *roofing and building paper*. The rate on raw material, such as *nails, pitch and rosin*, has been raised, while the rate on the finished commodity, that is, roofing and building paper, are the same as formerly on the westbound rates, thus giving the Eastern competitor in these markets a large advantage which he did not have under the former schedule of rates. We can not believe this to have been intentional. Furthermore, in the matter of the rates on roofing, the rate to Colorado points is 65 cents, while the rate from Colorado points to California terminals is 55 cents.

Agricultural Implements—

We have also on file a protest on the increase of westbound rates on agricultural implements and a statement to the effect that the business in this line must necessarily be curtailed if this increased rate is insisted upon.

We have attempted to present to you a brief outline of the nature of the protests against the contemplated increase of rates, both east and westbound, which have been filed with our bureau. We believe that you desire to give to each industry represented in these protests a full hearing in order that the equities may be understood, and the mutual interests of both parties determined and weighed; and we therefore recommend and request that you, as traffic officers of the interstate carriers serving San Francisco, appoint, in the near future, a time and place for a conference with the representatives of the industries herein protesting, to the end that a full hearing and understanding of all of the circumstances and conditions surrounding the traffic of these respective industries be heard and fully understood, and we express the belief that you will, after such hearing, conclude that the interests of your companies, as well as the interests of these industries and of the State of California at large, are vitally concerned in striking from the tariff the raise of rates on the commodities mentioned.

Respectfully submitted.

TRAFFIC BUREAU OF THE MERCHANTS' EXCHANGE.
(Signed) By R. P. RITRET, Chairman.

Traffic Bureau, Merchants' Exchange.

The basis upon which the California tanners contend that the proposed advance in freight rates "is more than the traffic can bear," and will result in decreasing and ultimately eliminating entirely shipments of leather East, is in part as follows:

The tanning industry has, for many years, been conducted on the Pacific coast under many disadvantages, and has not during the last ten years enjoyed reasonable returns on the investment, with the exception of the period of the Japan-Russian war, when ninety per cent of the production was shipped to the Orient for the requirements of the armies in the field. Outside of this short period, which, of course, was profitable to the local industry, the California tanners have found it more difficult each year to compete with the large producers of leather in the East, who enjoy many advantages in articles that enter into the cost of production, as well as much lower freight rates from their plants to leather consuming centers.

Obviously, if under the present freight rates from here to the East, a diminution in production of leather here and shipments to the Eastern market has ensued during the last ten years, then, on the face of it, higher freight rates from California to Eastern leather consuming centers would add a further burden and disadvantage, and in our opinion result in, ultimately, the entire abandonment of the Eastern market, without which the local plants can not be operated except at a direct loss.

About seventy-five per cent of the production of California leather is at present shipped to the territory east of the Rocky Mountains. The consumption of leather on the Pacific coast can not be increased appreciably; therefore, if our surplus of leather can not be successfully marketed in the East, it signifies that the production must be curtailed, which means shutting down of at least fifty per cent of the producing capacity of the California tanneries. The increased cost of production for leather in California, as compared to tanneries located in the East, is due to the higher cost of almost every item which enters into the manufacture of leather. Outside of hides, which relatively are generally higher here than in the East, some of the most important articles in the cost of production are labor, bark, extract, insurance, chemicals, all of which are, in the aggregate, about twenty-five per cent (25 per cent) cheaper in the East than here. The difference in cost in producing a pound of leather is two cents in favor of the Eastern tanner; in other words, given a certain hide the Eastern tanner could manufacture it into leather at a lower cost of approximately 2 cents per pound. This difference is irrespective of the freight, in which also the Eastern tanner has an enormous advantage, in so far as the average freight rate from Eastern tanning centers to leather consuming points, such as Illinois, Iowa, Ohio, Missouri, Pennsylvania, Massachusetts, etc., is not more than one half of our rate, and in many instances is not more than the proposed advance now contemplated by the railroad company.

There has not been, nor is there contemplated, so far as we know, any change in the rate from Eastern tanneries to points above mentioned; even if the same percentage of advance was added to the Eastern rates, it would be of little consequence because their present rates, upon which the percentage would be figured, is so small as compared to ours. Our rate to Chicago, St. Louis, etc., is \$1.05 per hundred pounds at the present time. The rate from Milwaukee and Kenosha, Wis., to Chicago is about 12 cents per 100 pounds, and to St. Louis about 41 cents per hundred pounds.

It is proposed to raise our eastbound rate 20 cents per hundred pounds. The advance on leather, as a matter of fact, seems to be the most radical change in the schedule, and has been arbitrarily made without investigation on the part of the railroad officials, so far as we are aware, of the material facts involved.

That the railroads did, at the time they placed the present eastbound freight rates on leather, consider them just and fair and equitable, is irrefutable because of the fact that they have continued these rates, as now existing, in force for about fourteen years without any changes whatsoever; and furthermore, such rates were never at any time based upon water competition rates. Leather shipped from California to Eastern and Middle Western leather markets never has been shipped by water, and probably never will be, because water competition reaches so few of the American leather markets, because time in transit is an important factor to the consumer; as eastbound California leather moves principally in less than carload lots, consequently, California leather eastbound becomes practically an exclusive railroad freight commodity, and the rates on same enter into competition with no other rates whatsoever.

The amount of capital employed in the production of leather in California is between seven and eight million dollars. These plants are distributed in various parts of the State and are under separate ownership. The proposed advance of 20 cents per hundred pounds is impossible for this industry to bear and, if persisted in, will place this important industry in jeopardy. The annual production of leather from these plants is about eighty million dollars per annum. Eastern shipments are approximately five million dollars, representing as tonnage about fifteen million pounds.

The crippling of the California tanning industry would be far reaching, hundreds of workmen directly and indirectly depend on tanning of leather on this coast for their livelihood. Again, the bark producers of our coast depend entirely upon the local industry for the sale of their product, which annually means the distribution of

between six hundred thousand and eight hundred thousand dollars in Humboldt, Mendocino and Santa Cruz counties. A home market for this forest product must exist; it can not be shipped long distances.

The within State tonnage of the railroad in handling hides, bark, leather and supplies of all kinds is very large and it would appear that an effort should be made to foster so important an industry, rather than impair it, and perhaps destroy it entirely.

It can not be successfully contended that the unit of cost of handling freight has increased. As a matter of fact, our conviction is that by the adoption of modern methods of facilities, larger locomotives, etc., that the cost is less per unit ton per mile now, notwithstanding the increased cost of labor and some other items.

It is not our purpose to invoke a sentimental argument, but we feel that it is appropriate to say that the leather manufacturing industry should be zealously guarded and protected; manufacturing in general is lamentably small in California, and those California manufacturers that have been able to do business outside of the State, thereby bringing outside money into circulation here, can be enumerated on the fingers of one hand.

Respectfully submitted.

EAGLE TANNERY.

San Francisco, Cal.

Concurred in by

Kullman, Salz Co., Benicia, Cal.
 McKay Leather Co., Benicia, Cal.
 A. B. Patrick Co., San Francisco, Cal.
 S. H. Frank & Co., San Francisco, Cal.
 Kreig Tannery Co., San Francisco, Cal.
 Lawrence & Parkhurst, San Francisco, Cal.
 Poetch & Peterson, San Francisco, Cal.
 Brown & Adams, San Francisco, Cal.
 S. Bloom & Sons Co., San Francisco, Cal.
 Helwig-Legalett Tanning Co., San Francisco, Cal.
 The Norton Tanning Co., San Francisco, Cal.
 McCabe-Duprey Tanning Co., Eureka, Cal.
 The Wagner Leather Co., Stockton, Cal.
 The Petaluma Tanning Co., Petaluma, Cal.
 F. Poehlman, Petaluma, Cal.
 The Beegar Tanning Co., Redwood City, Cal.
 Santa Rosa-Vallejo Tanning Co., Santa Rosa, Cal.
 The Levin Tanning Co., Santa Rosa, Cal.
 The Eberhard Tanning Co., Santa Clara, Cal.
 Kron Tanning Co., Santa Cruz, Cal.
 Manasse-Block Tanning Co., Berkeley, Cal.
 The Sawyer Tanning Co., Napa, Cal.

EXHIBIT 5.

Filed with the Senate Joint Committee on Federal Relations.

SAN FRANCISCO, March 16, 1909.

Mr. Lester G. Burnett, Chairman Committee on Federal Relations, Capital Building, Sacramento, Cal.

DEAR SIR: In accordance with your request, I enclose you herewith statement showing advance January 1, 1909, of eastbound rates on dried fruit, canned goods, peas and beans, dried, and asphaltum. If we can be of any further service to you, please command us.

Yours very truly,

W. C. DONNELLY, Chief Rate Clerk.

STATEMENT OF ADVANCE IN RATES.

<i>Dried Fruit—</i>	A	B	C	D	E	F	G	H	I	J
Prior to January 1, 1909.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
January 1, 1909.....	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10	1.10
<i>Canned Goods—</i>										
Prior to January 1, 1909.....	75	75	75	75	75	75	75	75	75	1.00
January 1, 1909.....	85	85	85	85	85	85	85	85	85	85
<i>Beans and Peas, dried—</i>										
Prior to January 1, 1909.....	75	75	75	75	75	75	75	75	75	75
January 1, 1909.....	85	85	85	85	85	85	85	85	85	85
<i>Asphaltum—</i>										
Prior to January 1, 1909.....	50	55	60	60	50	50	50	50	50	48
January 1, 1909.....	55	60	60	55	55	55	55	55	55	55

Filed with the Committee on Federal Relations by Mr. Bradley at meeting of said committee, held to investigate increased rates of railroads and Wells-Fargo Express Co., March 16, 1909, at Sacramento.

EXHIBIT G.

At a mass meeting attended by producers, merchants, shippers, and consumers, held in ——— on rate day, December 30, 1908, to consider the proposed advance in east and westbound freight rates, effective January 1, 1909, the following resolution was adopted:

WHEREAS, The Transcontinental Freight Bureau, in behalf of all the railways sharing in transcontinental traffic to and from California terminals announces an increase of east and westbound freight rates, effective January 1, 1909; and

WHEREAS, The plea has been made that the transportation companies require large revenues: be it therefore

Resolved, That the following statement be declared our deliberate opinion:

First—That the relations between carrier and shipper should be based upon mutual understanding and protection, and that the proposed radical changes were agreed upon by the carriers, who make up the Transcontinental Freight Bureau, without giving adequate hearing or consideration to the producers, merchants, shippers, and consumers of California.

Second—That many obvious economies have been accomplished in the maintenance and operation of railways since the present tariff went into effect, such as reduced cost of fuel in the extreme western and most expensive part of the haul; in the reduction of grades and curves; in the improvement of roadbeds of the railroads, motive power and equipment; while, on the other hand, the earning power of the railroads has been largely improved by the increased requirement of freight necessary to enjoy the minimum carload rate; by the enormous development of California's trade; also by the effect of the interstate commerce law, prohibiting rebates and passes.

Third—That if the railroads are operating at a loss, the shippers of California, who have serious burdens to bear at this time of depression, and who are now to be taxed in order that the dividends of the transportation companies may be continued, propose to ascertain by an exhaustive legal inquiry what the deficit is, and in what instances and to what extent the earnings of the railroad companies have been impaired.

Fourth—That we endorse the general and specific protest of the shippers of California against the inauguration of the increased freight rates as expressed in the document presented to the traffic officers of the roads having their terminal lines in California, and as endorsed in the general meeting of business men held in the rooms of the Chamber of Commerce, in San Francisco, on December 5, 1908.

Fifth—That in the event of the advances not being withdrawn, we request the executive committee appointed at the meeting of December 5th, in San Francisco, to take legal steps to enjoin the said changes in rates.

Sixth—That, in our opinion, the jurisdiction of the Interstate Commerce Commission, should have far wider scope in the matter of rate making, and more particularly that they be given the power to review changes of rates before they shall have become effective, in order that exact justice may be done and proper protection afforded to all parties interested.

Seventh—That the Shippers' Executive Committee be instructed and is hereby empowered, to memorialize the Legislature of California at its present session, urging the immediate enactment of a law to provide the State Railroad Commission with adequate power to deal with any exigency which may arise in the proper regulation of carriers within the State, and that a general appropriation bill be passed simultaneously, to enable the said Railroad Commission to employ whatever aid is necessary to meet such exigencies.

Eighth—That the Legislature be urged to appoint a committee, made up of the Governor and Lieutenant-Governor of the State, the Speaker and members of the House and Senate, to begin an inquiry into transportation conditions in the State, with a view to enacting good and adequate laws for the proper regulation of all carriers in California.

Ninth—That the attention of the national administration be called to the fact that the Panama Railway Company is, apparently, basing its rate upon a certain percentage of the transcontinental rail tariff, and that, instead of giving the relief to California shippers, which the road has given in the past, it is in the anomalous condition of having its rate determined by the transcontinental railroads.

Tenth—That copies of this resolution, shall be immediately furnished to the news service corporations engaged in disseminating items of public interest in the United States, and sent by the chairman of this meeting to our representatives in the State Legislature, and our representatives in Congress; that the executive committee above referred to, be requested to send copies of this resolution to the traffic officers of the railroads interested, to the Isthmian Canal Commission, to the Interstate Commerce Commission, and to President Roosevelt.

Eleventh—That we hereby pledge our moral support, and, if necessary, our financial support, and authorize the chairman of this meeting to appoint a local committee to keep in touch with the general movement, and to take such action as hereafter may seem necessary.

The above resolution was adopted at mass meetings held at the following cities and towns in California, December 30, 1908:

Napa—Chamber of Commerce, D. A. Dunlap, president; S. H. Wyckoff, secretary.
 Chico—Chamber of Commerce, Jas. H. Jones, president; J. G. Neubarth, secretary.

Fresno—Chamber of Commerce, M. T. Tarpey, president; Wm. Robertson, secretary.

Santa Paula—C. C. Teague, chairman.

Red Bluff—Chamber of Commerce, A. L. Conrad, president; H. S. Gans, secretary.

Stockton—Chamber of Commerce, W. D. Buckley, chairman; J. M. Eddy, secretary.

Santa Cruz—C. D. Hinkle, chairman; Colin H. McIsaac, secretary. Santa Cruz Real Estate Exchange, H. R. Robinson, president; Wm. Gardner, secretary.

Healdsburg—Eli Bush, chairman; J. M. Alexander, secretary.

Vacaville—Merchants' Protective Association, G. W. Crystal, president; W. C. Frahm, secretary.

Anaheim—Merchants' Association, C. F. Grim, president; F. C. Spencer, secretary.

Redding—Chamber of Commerce, J. J. Johnson, president; D. N. Honn, secretary.

San Jose—Philo Hersey, chairman; T. E. Johns, secretary.

Morgan Hill—F. W. Watt, chairman; L. Cunningham, secretary.

Gilroy—H. E. Robinson, chairman; E. F. Rogers, secretary.

Santa Ana—Jno. N. Anderson, chairman; Geo. H. Dodson, secretary. Chamber of Commerce, H. S. Gordon, president; J. A. Wilson, secretary. Merchants and Manufacturers, Jno. McFadden, president; N. A. Ulm, secretary.

Banning—Banning Fruit Growers' Association, Jabez Blackhurst, chairman;

B. F. Shirley, secretary.

Petaluma—Merchants' Association, W. J. Hickey, president; Jno. Lawler, Jr., secretary.

Visalia—Board of Trade, S. Mitchell, chairman.

Santa Rosa—Jas. H. Gray, chairman; E. H. Brown, secretary.

Benicia—C. P. Stevens, chairman.

San Leandro—Robert H. Collins, chairman; Geo. F. Cosby, secretary. Board of Trade, W. S. Peters, president.

Santa Barbara—Chamber of Commerce, W. S. Day, president; Frank E. Kellogg, secretary.

Ontario—Merchants' Association, F. E. Unholz, president; W. R. Harper, secretary.

Portuna—Board of Trade, L. C. Morgan, president; H. P. Monroe, secretary.

Redwood City—Guy P. Hull, chairman; A. Kincaid, secretary.

Hemet—J. H. Botterell, W. S. Mudd, committee.

Colton—M. O. Hurt, chairman; C. M. Knox, secretary.

Marysville—Dunning Rideout, chairman.

Sacramento—Jobbers' Association, Scott H. Ennis, president; H. J. Reed, secretary.

San Francisco—Receivers and Shippers' Committee, C. H. Bentley, chairman; G. J. Bradley, secretary.

RESOLUTION—OUT OF ORDER.

The following resolution was offered:

By Senator Burnett:

WHEREAS, On the third day of February, 1909, the Senate of the State of California passed the following Senate resolutions which are committee substitutes for two Senate resolutions referred to the Committee on Federal Relations, and which read as follows:

RESOLUTIONS AS AMENDED BY COMMITTEE ON FEDERAL RELATIONS.

WHEREAS, Wells, Fargo & Co.'s Express, now engaged as a common carrier of interstate and other commerce, has lately made material advances in express rates from points outside of California to and from all points in the State of California, as well as in local rates on transportation within the State; and

WHEREAS, It is alleged that a combination limiting territory and for the maintenance of rates exists between the various express companies of the United States, whereby the express business of the Pacific Slope is to be carried by Wells, Fargo & Co.; and

WHEREAS, It is alleged that some of the transcontinental railroads are also interested in said combination, and are aiding same by special privileges; and

WHEREAS, Such combination, if any exists, is in restraint of trade and unlawful; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance in such express rates with relation to the

reasons therefor, the effect thereof on the merchant, the shipper, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendations and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistants, now in the service of the Senate, as may be necessary in such investigation, and that said committee be furnished with all necessary assistants and equipment for the proper conduct of said investigation.

Also:

WHEREAS, The various railroad companies engaged in transportation of interstate commerce have, it is alleged, since the first day of January, 1909, made a material advance in freight rates from Eastern points to and from all points in the State of California;

WHEREAS, It is alleged such advance in such rates means a yearly tax on the merchants, shippers and producers of California of about ten millions of dollars.

WHEREAS, It is alleged such new rates are unjust and unreasonable, in view of the alleged fact that the increased and ever-increasing earnings of said companies have enabled them to pay larger dividends to their respective stockholders, besides making vast expenditures for new roads and betterments;

WHEREAS, The merchants, shippers and producers of the State have united in a protest against such increase, and have organized with the object in view of securing relief from the burden alleged to be imposed thereby;

WHEREAS, It is alleged that the consumers of this State are sufferers by this action of such companies in common with the merchants, shippers and producers; therefore, be it

Resolved by the Senate, That the Committee on Federal Relations be, and it is hereby, directed to investigate the advance of such freight rates with relation to the reasons therefor, the effect thereof on the merchants, the shipper, the producer, the consumer, and commerce generally. Said committee is hereby also requested to report to the Senate the results of such investigation, together with such recommendation and suggestions for remedies looking to relief in the premises as in the judgment of the committee may seem suitable. Said committee is hereby also requested to report to the Senate a memorial to the President of the United States, the Congress of the United States, and the Interstate Commerce Commission, embodying the attitude of the people of California on the subject, and asserting their rights to relief from the unjust burden, if any there be, as aforesaid alleged, to be placed on all material interests of California and her people; be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, also to issue subpoenas when necessary; be it further

Resolved, That the Secretary of the Senate is hereby instructed to assign for duty to such committee such stenographers and clerical assistants, now in service of the Senate, as may be necessary in such investigation, and that said committee be furnished with all necessary assistants and equipment for the proper conduct of such investigation.

Also:

WHEREAS, The committee has held two meetings at Sacramento, at which a number of shippers and merchants have testified, as well as a representative of the Atchison, Topeka & Santa Fe Railroad, and also a representative of the Salt Lake Railroad, and a representative of the Merchants and Manufacturers' Association of Sacramento;

WHEREAS, It was the unanimous opinion of the merchants and shippers appearing before the committee that the committee would be of great assistance in collecting data upon the subject of freight rates, both transcontinental and local, from an unprejudiced standpoint if it should hold over after the adjournment of the Senate, thereby creating a healthy public sentiment;

WHEREAS, They were of the opinion that recommendations made from time to time by the committee would assist them;

WHEREAS, It has been impossible during the session of the Legislature to make a proper investigation of the subject owing to the press of business upon the Senate and Senators;

WHEREAS, The various shippers of both westbound and eastbound freight state that a great number of both shippers and merchants, and also associations, are ready and willing and will gladly testify before such committee if given the opportunity, and produce a great mass of evidence, both oral and documentary; and that the great body of unorganized shippers and producers, as well as the consumers, (who are also vitally interested), look to this Legislature to help them, and have no other place from which to look for help—as stated by Mr. Bradley to the committee.

WHEREAS, It has been stated by the various merchants and shippers before the committee that the recent increase in freight rates, both by Wells-Fargo and the

various railroads, was thought by them to be too great, and that they would like to have the question investigated by the committee: and

WHEREAS, Wells, Fargo & Company, and a number of transportation companies, have not had a representative appear before the committee, and no representative of any railroad other than as herein stated has appeared:

Resolved, That said committee shall hold over after the adjournment of the Legislature and have the powers that it has at the present time, as set out in said resolutions, and shall investigate the question of all freight rates, both interstate and intrastate; that it shall report the result of its labors from time to time to the Governor of the State of California: shall have them published in the press, and otherwise as in its discretion may seem best; and shall make a report thereof with recommendations to the next session of the Legislature.

Resolved, That the sum of five thousand dollars be, and the same is hereby set aside from the contingent fund of the Senate for the purpose of defraying the necessary traveling and contingent expenses of the said committee.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caminetti moved a call of the Senate.

Motion carried.

Time, three o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Bills, Birdsall, Boynton, Burnett, Caminetti, Cartwright, Cutten, Finn, Hartman, Holohan, Kennedy, Leavitt, Lewis, Reily, Roseberry, Sanford, Savage, Thompson, Wolfe, and Wright—23.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and forty minutes P. M., Senators Rush, Martinelli, and Estudillo were brought to the bar of the Senate, and, on motion of Senator Boynton, they were excused for absence from the Senate Chamber.

At three o'clock and fifty-five minutes P. M., Senators Willis and Hurd were brought to the bar of the Senate, and, on motion of Senator Wolfe, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Burnett.

The roll of absentees was called.

Whereupon the President announced that the resolution was refused adoption by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Cutten, Estudillo, Holohan, Roseberry, Rush, Sanford, and Thompson—12.

NOES—Senators Anthony, Bates, Bills, Finn, Hartman, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Reily, Savage, Weed, Willis, Wolfe, and Wright—16.

REPORT OF JOINT COMMITTEE.

The following report of joint committee was ordered printed in the Journal:

SACRAMENTO, March 23, 1909.

MR. PRESIDENT: The joint committee of Senators and Assemblymen appointed at the thirty-seventh session of the California Legislature to investigate the needs of the harbors of the State, beg leave to submit herewith a printed report of its labors, and requests that the same be printed in the Journal.

LEROY A. WRIGHT, Chairman.

REPORT AND RECOMMENDATIONS OF THE JOINT COMMITTEE ON HARBORS.

On March 14, 1907, the Legislature adopted the following Senate Concurrent Resolution No. 3:

WHEREAS, The constant increasing commerce of the ports of California demands greater facilities for the handling of shipping; and

WHEREAS, The interests of the entire State are affected by the harbors of the State; be it

Resolved, That a special committee of six members be appointed from the Legislature of the State of California, consisting of three members from the Senate, to be appointed by the President thereof, and three members from the Assembly, to be appointed by the Speaker thereof, to investigate the conditions of the harbors of the State and to make recommendations for legislation necessary to be enacted at the next session of the Legislature:

Resolved, That it is the sense of the Legislature that the report should be comprehensive in all respects, and that it should include not only existing conditions and facilities, but also recommendations for financing future permanent improvements:

Resolved, That the said joint committee shall have the power to subpoena witnesses and to send for persons and papers, and to issue subpoenas when necessary;

Resolved, That the necessary traveling and incidental expenses of said joint committee shall be paid out of the contingent expenses of the respective houses.

At the sixth semi-annual meeting of the Counties Committee of the California Promoter Committee, held at Coronado, San Diego County, on December 15, 1906, a resolution, was adopted asking for the appointment of a legislative committee to inquire into the conditions and needs of the harbors of the State of California, and to report a comprehensive plan to the Legislature for the improvement of said harbors in order to facilitate commerce. In compliance with this action the above concurrent resolution was adopted by the Legislature of 1907, and Senators Leroy A. Wright, E. J. Wolfe, and T. J. Kennedy, and Assemblymen Walter Leeds, Percy Johnson, and Louis Strohl were appointed on such joint committee by the presiding officers of the respective houses.

All the members of the committee attended sessions held at San Francisco, Los Angeles, San Diego, Oakland, Eureka, Port San Luis, and Newport Beach, making personal examination of the present physical conditions and consulting with the officials of the various ports as to the work that can be properly done by the State in the way of permanent improvements. Joint meetings have been held with the Harbor Commissioners of San Francisco, Los Angeles, San Diego, and Eureka, at which present conditions were exhaustively entered into. There have also been consultations with Engineers Luther Wagoner and Colonel W. H. Heuer, U. S. A., representing the Federated Harbor Improvement Association of San Francisco, and also with officials and members of commercial bodies at Oakland, San Diego, San Pedro, Port San Luis, Newport Beach, and Los Angeles. In its work of informing itself the committee has been aided by officials and residents at all the ports visited, and facts and theories have been cheerfully furnished, even at points where State assistance at the present time is not practicable.

SAN FRANCISCO.

In San Francisco, one of the important world ports, the committee found such a congestion of shipping and freight that the facilities provided through the indebtedness already incurred for the accommodation of vessels and the handling of freight, even though the moneys have been judiciously and economically expended, are entirely inadequate to provide for the rapidly increasing business with the countries across the Pacific, as well as that of the coast trade along the line of the two Americas. As the leading port on the west coast of North America, San Francisco has continued the work of the earlier years in improvements of the harbor, and only of comparatively recent date has there been the idea of permanency in the construction of piers and docks. Where world ports of less importance than San Francisco have had millions of dollars expended in permanent improvements, especially those in European

countries that have been made to meet the demands of future generations, the San Francisco Harbor Commissioners have been compelled to be most frugal in their expenditures for much needed improvements, having at their command only hundreds of thousands of dollars where there should have been millions. Much has been done from the earnings, and in addition payments have been made annually on principal and interest, to lessen the amount secured by loans and the issue of bonds.

Having faith in themselves, their State, and their harbors, Californians have not realized to the fullest extent the importance of permanent improvements of their ports, and, as a consequence, much of the money expended has been for work of a temporary character, the short life of which will imperatively demand future appropriations to replace what has been done. In the matter of piers, docks, seawalls, and bulkheads there is no longer excuse for experimentation. The needs of the future, even the distant future, are known and should be anticipated.

All the piers and docks excepting two, the Pacific Mail docks, are owned and operated by the State. There are thirty-one of these projecting piers, and in addition there are 6,620 lineal feet of bulkhead wharfrage, making an aggregate length of 25,229 lineal feet of wharfrage. The average cost of maintenance during the past five years has been approximately \$170,000 a year, not including dredging. Your committee understands the annual cost to include all fixed charges and the reduction of indebtedness. At the present time the actual indebtedness amounts to \$1,525,672.95, of which sum \$125,672.95 is what is known as "deferred payment," which will be cleared in 1911. Payment of \$50,000, with 4 per cent interest, will clear the \$250,000 borrowed from the school fund after the San Francisco disaster. The sum of \$600,000, known as the depot bond issue, will expire in 1911 and disappear from the indebtedness. Of the seawall fund of \$2,000,000, authorized bonds, the sum of \$250,000 was issued in 1906, and in 1908 the further amount of \$500,000 was issued. The remaining \$1,250,000 will be issued as needed in the work of extending the seawall which is now under construction. The income of the port provides for all the fixed charges, being the current expenses and the redemption fund and interest.

Your committee will not enter into the cost of piers and docks, owing to the diversified form of construction, the variation in cost being from 50 cents to \$2.50 a square foot. By referring to the answer to question 10 in the report of the San Francisco Harbor Commissioners this matter of cost can be studied in detail. It will be found, in comparing the cost and the length of life of piers, that the cheaper kind is the more expensive. One kind has an average life of only a few years, while the concrete structures have indefinite durability extending into generations. The concrete docks and piers are in good condition, needing but little in the way of repair, while the wooden ones are in range, as to condition, from good to the verge of collapse, according to the few years they have been in use.

The present dockage is inadequate. The seawall should be immediately extended from the union depot to pier 42, a distance of 5,160 feet, which work is being built under the \$2,000,000 bond issue already authorized. One thousand feet of this wall extending northerly from pier 42 is nearing completion. There should follow the reconstruction of at least twelve of the old piers, and an addition of four new ones. That these should be constructed of cement follows from the mere fact that existing piers are now ready to be replaced by new ones. This work will eventually cost \$5,000,000. In addition to the accommodation of shipping, with its attendant income, there will follow the reclaiming of seawall lots and property valued at more than \$2,000,000. It will be noticed that of the \$2,000,000 in bonds authorized for the extension of the seawall there remains at the present time the sum of \$1,250,000 that is yet to be sold as required.

The pierhead line should be redrawn to include the whole of China Basin, followed by twelve or more piers to serve the Potrero and Mission sections. The old piers north of the ferry house must be modernized at a cost of over \$2,000,000. A seawall should be extended westerly from Taylor and East streets to the government reservation at Black Point, thus acquiring valuable seawall lots and pier sites, demanded by the commercial extension along North Beach. The whole of this work done in a permanent manner will cost approximately \$20,000,000.

The dockage charges at San Francisco are moderate, and compare favorably with those of any other port in the world (see answers to questions 20 and 21 in report of San Francisco Harbor Commissioners).

It has been said that San Francisco is one of the important ports of the world. This may be seen from the imports and exports for the fiscal year ending June 30, 1907. There were shipped to foreign ports 1,613,822 tons of freight, to domestic ports, 2,744,776 tons, making a total of 4,358,598 tons during the year. The average imports for five years amounted to 3,506,395 tons a year. During the year ending December 31, 1907, 6,900 steam and 748 sail vessels docked at the port of San Francisco, having a total of 4,615,603 tonnage. Of these vessels 3,963 steam and 729 sail were deep seagoing.

One feature in the dockage system of San Francisco deserves especial notice—the ownership by the State of the belt railroad connecting the numerous warehouses and factories around the bay front with the transbay railroads. During the year 1907 over 50,000 cars were handled by the belt line, a uniform rate of \$2 having been

charged for this service. As shippers know, the average railroad charge for switching at terminal points is in the neighborhood of \$3 a car. The extension of the second rail naturally demands the enlargement of the belt line facilities, as new piers and warehouses will necessitate the extension of the rails of communication.

The Harbor Commissioners of San Francisco call attention to a state of affairs requiring legislative action. Existing laws hold the Harbor Commissioners responsible for any abuse of State property, but do not give that board sufficient control over the same for the abatement of nuisances. The Harbor Commissioners also call attention to the necessity for the enactment of laws compelling the Pilot Commission to make its report to the Governor of the State, or to the State Legislature, and also to the wisdom of a material reduction of pilot charges. It has been suggested that pilots be paid on monthly salaries instead of fees, and that a nominal charge be made against incoming and outgoing vessels. The present pilot charges are as follows:

"All vessels under 500 tons, \$3 per foot draught: all vessels over 500 tons, \$3 per foot draught and 3 cents per ton for each and every ton registered measurement. In all cases where inward bound vessels are not spoken until inside the bar the rates of pilotage herein provided shall be reduced 50 per cent. Vessels engaged in the whaling or fishing trade shall be exempt from all pilotage, except where a pilot is actually engaged."

The Legislature of 1903 made a reduction in pilotage charges. The payment of monthly salaries to pilots would be the means of still further reduction, and any decrease in the charges upon shipping will naturally tend to increase the commerce of the port.

Attention is called to the high rate that vessels docking in San Francisco have to pay for the water they use. Attention is also called to the absence of warehouse facilities along the water front, and to the total lack of facilities for the handling of bulk freight. This overcharge and those lacking facilities naturally increase merchandise cost to the detriment of California, for, as the importance of the port of San Francisco is increased throughout the world, the State of California is benefited. Increased commerce and the prosperity of California at large, even while a single port may receive the direct benefits, are inseparable. The fixed charges under the control of the State Harbor Commissioners at the port of San Francisco are reasonable and bear favorable comparison with those of any of the ports of the world. The wisdom of permitting them to remain as they are until the improvements contemplated are all made should at once be apparent.

SAN DIEGO.

San Diego Bay is also destined to become one of the great shipping points of California, and is already one of the leading ports of call for the steamer lines plying between the Tehuantepec Railroad in the south and points farther north. Having an anchorage area of 9½ square miles in the bay, with a depth of from 30 to 50 feet and a depth of 28 feet over the bar at low tide, San Diego Bay, which is always a safe port under all weather conditions, only awaits the completion of the eastern railway lines, a second one of which is now under construction, to become the ocean port of a vast country reaching to the Mississippi River and to the Gulf of Mexico. While the State owns and controls the tide lands, conservancy appraised at \$1,691,884, the nine large and ten small docks and piers are owned by private parties, excepting a small wharf at Fort Rosecrans, which is owned by the Federal Government. San Diego now has coal bunkers of sufficient capacity to supply all freight and passenger steamers, and when the Federal coaling station with 40,000 tons capacity, under construction, shall have been completed, this port will have received the recognition due it as the rendezvous for all war vessels on the Pacific when on southern duty.

The construction of a seawall will bring into immediate use much and valuable reclaimed tide lands, which will be utilized for commercial purposes, for warehouses and spurs of railroads, and will be the direct means of considerable revenue to the State. Add to these reclaimed lands the contemplated State wharves, which will have 30 feet of water, and San Diego will have ample facilities for the handling of an immense commerce. The present State revenue from the nine large private wharves is in the form of rentals for franchise privileges. This revenue is not large from the fact that eight of the nine wharves are devoted principally to the business of the corporations and companies owning them. All the piers are constructed of wood, and only two can be said to be in good condition, these two having the piles protected by cement covering. The piling at the Federal coaling station is of a more permanent character, being, like all other government work, constructed for the future as well as for the present, even though the first cost is so much the greater.

So far as berth room is concerned, the present dock facilities are sufficient for immediate business demands, but there is need for structures of more permanent character, and especially is there need for a State pier that might be used by all not having wharf facilities of their own. Upon completion of the San Diego and Arizona Railroad, now being built, the shipping demands will be largely increased. The

construction of a State wharf, it is believed, would greatly increase the value of this port as a shipping point. A new wharf for the State would cost approximately \$100,000, but this amount would be much smaller if the State builds a seawall and utilizes its own tide lands. The Federal Government is at the present time constructing a naval coaling station at a cost of about \$250,000, and a bill is before Congress providing for a dry dock. In addition to this expenditure by the Federal Government it is more than possible that a naval training station will be established at some point on the bay. While these improvements may not directly cause increased commerce, they will naturally have a bearing upon the future business of the port.

There is room at the docks for twenty-four vessels, and the dockage charges are one cent per ton for 200 tons or less, three-fourths cent per ton for balance, net register tonnage. Freight is unloaded from ship and loaded into cars at a cost of 50 cents per ton for merchandise, 75 cents per thousand feet for lumber, and 60 cents per thousand feet for ties. Warehouse charges are subject to contract, making evident the desirability of and the necessity for a state wharf and state warehouses. No demurrage charges are made.

During the year 1907 there were 73,057 tons of freight, not including coal and cement, received by vessel, and 64,688,700 feet of lumber received by vessel and raft. During the same period over 10,000 tons of coal and nearly 15,000,000 pounds of cement were received at the docks. The receipts during ten months of the year 1908 prove that these amounts will be greatly exceeded during the year 1909, while in the matter of lumber the amount will be nearly if not quite doubled. The records for 1907 show that 10,976 tons of freight were shipped out, consigned to both foreign and domestic ports.

There were 423 steamers and 80 sailing vessels that entered this port during the year 1907, not counting those engaged in the fishing trade. War vessels of this and other nations are not included among those figured above.

The principal articles of import were coal, coke, pig iron, cement, domestic animals, copper matte, hides, guano, bran, onyx, firebrick, lumber, flour, feed, structural iron, iron pipe, machinery, groceries, dry goods and leather goods. The leading exports were honey, tallow, hides, pelts, fish, wool, oranges, lemons, and grain.

The commerce of the port of San Diego is rapidly growing, owing to the development of southern California and the increase of imports from Europe and New York via Tehuantepec Railroad over the isthmus, and from Baja California. There is at the present time but one transcontinental railway entering this port, but the preliminary work has been done for a second that should be in operation within two years. Even before the completion of the Panama Canal a considerable business has been established in connection with the Tehuantepec Railroad, this being the port of call for all steamers receiving freight from that Mexican line and operating in conjunction with the several Atlantic lines. The commerce by this line is constantly growing, the last steamer to dock at the Oriental wharf having discharged at the port of San Diego 1,300 tons of freight for distribution throughout the southwest territory.

At present southbound vessels do not call at this port. Late this year an experimental shipment of oranges and lemons was made from the port of San Francisco for the purpose of determining if San Diego could be made an important fruit shipping point for eastbound fruits. Oranges and lemons produced in southern California were bought in the open market at San Francisco and shipped East by the Tehuantepec line. The oranges landed in New York in first-class condition, but the lemons were badly damaged. The officials of the Tehuantepec line, however, are of the opinion that the damaged condition of the lemons was wholly due to the fact that they were bought in the open market, having been intended for home consumption, and were not properly picked and packed for Eastern shipment. The last southbound steamer took eighty tons of freight which originated in the San Diego territory and billed to New York. As soon as the territory offers a minimum of two hundred tons for each steamer San Diego will be made a port of call for southbound steamers. Inasmuch as the territory tributary to San Diego produced oranges and lemons last year of the total value of \$23,000,000, on which the railroads were paid for freight approximately \$14,000,000, it will readily be seen that if oranges and lemons can be shipped with safety by the Tehuantepec steamship line a very large commerce will grow up in the shipment of these and other fruits through the port of San Diego to the East. As there is a saving of at least one third in freight rates on both east and westbound shipments by steamship line over the railroads, the importance of the establishment of this line of steamers will be at once apparent. It will be seen that there will be such an increase of shipping that greater facilities than at present obtain here will be necessary.

In spite of the efforts of private individuals to secure water front rights that they would make perpetual, if possible, the Harbor Commissioners have rigidly preserved the integrity of State ownership. The last Legislature having appropriated \$10,000 for that purpose, they have taken steps that will enable them to enforce all the claims of the State to the tide lands, having instituted suits and made provision to perpetuate the testimony of witnesses in a competent court. As these tide lands of the State extend nearly the length of the bay, and front all the deep water, there is need for definite action, especially as the future demands and valuations will be such a large increase over the present.

There is a total of 1,265.46 acres of these tide lands, having an assessed valuation of \$1,691,884. The following table, taken from the report of the Harbor Commissioners, will show that the assessments are not excessive, being based on present conditions rather than on future possibilities:

	Acres	Assessed	
		Value per Acre	Total Value
Tract No. 1	435.24	\$600 00	\$261,144 00
Tract No. 2	16.50	3,000 00	49,500 00
Tract No. 3	53.60	10,000 00	536,000 00
Tract No. 4	102.20	2,000 00	204,040 00
Tract No. 5	57.20	3,000 00	171,600 00
Tract No. 6	104.00	500 00	52,000 00
Tract No. 7	171.00	200 00	34,200 00
Tract No. 8	218.00	300 00	65,400 00
Tract No. 9	72.00	800 00	57,600 00
Totals	1,229.74		\$1,431,484 00
Filled by private individuals, but claimed for State—			
Tract No. 10	21.30	\$4,000 00	85,200 00
Tract No. 11	14.60	12,000 00	175,200 00
Grand totals	1,265.64		\$1,691,884 00

Government Work. The Federal Government has expended up to the present time \$665,214 in the improvement of San Diego Bay, which has been in the way of dredging, deepening the channel across the bar, and the construction of jetties. Capt. Amos A. Fries, of the Corps of Engineers, under date of May 7, 1907, made a report to the Navy Department in which he made recommendation that the further sum of \$125,000 be appropriated for dredging a deep channel 600 feet wide and 30 feet deep from the bar at the entrance of the harbor (over which there is at the present time a channel 28 feet deep at low tide), and 400 feet wide and 30 feet deep through the middle ground in the harbor, so that the sharp turns of the present channel may be avoided. This recommendation, taking its regular course to the Navy Department, has been approved by Lieut. Col. John Biddle, Corps of Engineers, Division Engineer; Col. D. C. Lockwood, Corps of Engineers, senior member of the board; Wm. S. Cowles, Chief of Bureau of Equipment; C. McR. Winslow, Acting Chief of Bureau of Navigation; Admiral George Dewey, President General Board; J. E. Pillsbury, Chief of Bureau of Navigation; V. H. Metcalf, Secretary Navy Department. There is now nothing in the way to prevent the appropriation asked for especially as it is for the benefit of the war vessels that will come here to coal, as well as for all vessels carrying foreign commerce which draw up to 27½ feet of water.

HUMBOLDT BAY.

A careful personal inspection of Humboldt Bay reveals the possibilities of that port if there is proper assistance by the Federal Government and the State. The former is already doing efficient work in the way of dredging, but much more needs to be done. There are a number of deep basins having from 27 to 40 feet of water, and even more in places, that are separated by shallow "hogbacks" on which from 9 to 18 feet of water found. The expense of dredging these will not be great, but private parties, after having deepened the water at their wharves, can not undertake the work. This port (Eureka) has now a business worth \$15,000,000 annually, and while in time its character may be changed, the amount will continue to increase. The commerce of Humboldt Bay is principally with coast points, lumber constituting the greater portion of it, but there is a growing trade with the Hawaiian Islands, the Central American States, South America, England, and Australia. The products other than lumber are constantly increasing in volume and value as well. The amount needed to properly prepare this bay to care for the largest vessels afloat need not necessarily be large, but there must be an expenditure in order to secure the greatest facilities for shipping.

The port of Eureka is the most important one on the Pacific coast between San Francisco and Seattle. Humboldt Bay has an area of about 23½ square miles, and is the most important center of the lumber industry in the State of California. It is also the most important shipping point for dairy products on the Pacific coast, these for the past year having exceeded \$1,500,000 in value.

For the purpose of making the entrance to the bay safe to all vessels the Federal Government has constructed twin jetties into the ocean at an expenditure of over \$2,000,000. By reason of the sandy ground upon which they rest, and the effect of heavy storms, these jetties have been considerably damaged and the entrance to the bay has also shoaled. Shortly after the completion of the jetties there was a uniform depth of 30 feet at the entrance, and all vessels entered with perfect safety. The channel at the entrance has shifted considerably, so that deep draft vessels must now enter from the northward instead of going straight in from the sea. As the ocean is often rough, a few laden vessels have been injured by striking the bar in

passing out and in. It is, therefore, important that the Federal Government should make additional appropriations for the purpose of repairing and extending the present jetties. Congressman W. F. Englebright has persistently urged upon Congress the necessity of this work, and has reason to believe that the necessary steps will be taken to complete it within the near future.

At the present time the only commercial connection between Eureka and the outside world is by vessel through Humboldt Bay. There remains a gap of about 100 miles on the Northwestern Pacific Railroad to be completed along the Eel River to connect Eureka by railroad with San Francisco and the outside world. At the present time Eureka has a population of about 15,000 people. It has one of the most equable climates on the Pacific coast, and its business men are as enterprising as any to be found in the State of California. It is now, and will continue to be, one of the most important ports on the California coast, and its interests should be zealously guarded.

Practically all the tide lands in front of the city of Eureka were sold by the city at less than one dollar per front foot to private individuals under Act of the Legislature of 1857. It is doubted whether under the Act of Congress admitting California into the Union the State could legally authorize the issuance of such deeds. If void when issued the title to these tide lands is still in the State.

SAN PEDRO.

With an outer harbor of 700 acres inside the breakwater, 300 acres having an average depth of 40 feet, 400 acres having an average of 30 feet, and 3,000 front feet owned by the city in the inner harbor having an average depth of 24 feet, there are at the present time no facilities for deep ocean going vessels at San Pedro. The Federal Government is doing effective work in dredging the channel in the inner harbor, and all difficulties in securing deep water may soon be overcome. In addition to the 3,000 feet of frontage owned by the city, most of which has been leased to private parties, San Pedro owns over 20,000 feet, which includes the outer harbor frontage, on which no franchise has been granted. On the west side of the harbor the city owns 214 acres of submerged lands with a frontage of about 8,000 feet on the outer harbor, which can in time be utilized after having been filled in. While the city has leased much of its water front, it has reserved in one place a strip 1,480 feet long and 200 feet deep for dock and warehouse purposes.

There are nine docks, with an aggregate length of 15,000 feet, owned and operated by private parties. While sixty vessels can work at one time at the docks, the dockage of the inner harbor is barely sufficient for the present business. In the outer harbor there are no docks as yet, although they can be constructed in from 30 to 40 feet of water. As conditions now exist, the larger vessels must anchor in the outer harbor and discharge by lighter a portion of their cargoes before they can enter the inner harbor. This constitutes a great drawback to the commercial possibilities and needs of San Pedro as a port. The Federal Government has expended \$3,000,000 on the breakwater, and in addition over \$1,000,000 for dredging in the inner harbor. The business men of San Pedro feel that the most needed improvement at the present time is the construction of docks in the outer harbor at an estimated cost of \$2,500,000.

The 1,217 steamers and 385 sail vessels entering this port during the year 1907 brought in trade from all the coast ports and also a considerable amount from foreign ports. San Pedro is an important port for the shipment of oil, 491,323 barrels having been sent out during 1907 to coast points and foreign ports. Being a distributing point for Los Angeles and a number of lesser cities, the receipts of lumber have been large, there being recorded 466,405,000 feet of lumber and 178,844,000 shingles, with great quantities of other building material of wood for the year 1907. The foreign receipts and shipments aggregate a considerable amount and are constantly growing factors in the shipping business of San Pedro.

Your committee held two sessions to consider the needs of San Pedro harbor. That city was visited by the committee early in 1908, when a meeting was held and the needs of the harbor discussed. At that time public sentiment had not crystallized, and there was a great difference of opinion as to whether there should be a state harbor commission and improvements made at the expense of the State, or the city retain control. A second meeting was held at the Chamber of Commerce in the city of Los Angeles on Monday, the 16th day of November of this year, at which the city of San Pedro was represented by Senator Savage and members of the Chamber of Commerce. Wilmington was represented by its city attorney, and Los Angeles by the Los Angeles Harbor Commission and members of the Los Angeles Chamber of Commerce.

Senator Savage contended for a state harbor commission, and the control of San Pedro Bay by such commission. The members of the Los Angeles Harbor Commission, as well as the Chamber of Commerce, representatives from Wilmington and one or two representatives from San Pedro opposed State control, and contended that the State should not interfere with conditions at San Pedro. Some time since the City Council of Los Angeles by ordinance created a harbor commission of three members. This commission, in conjunction with the Chamber of Commerce, has

been working to bring about a consolidated city government under the borough system, which shall include San Pedro, Wilmington, and other beach cities. It is their purpose, then, to have the city vote bonds to the extent of several million dollars, and build municipal docks and wharves at San Pedro.

While the record title to a greater portion of the water front at San Pedro is vested in private corporations, suit was filed in the month of October of this year for the purpose of testing the validity of these titles. All the private ownerships are based upon titles obtained between March 5, 1880, and January 16, 1891, under the general law of 1868, as amended in 1870 for the sale of swamp and overflow, salt marsh and tide lands. The State Legislature has never passed any special act for the disposing of any part of the inner portion of San Pedro Bay, but under the interpretation of the swamp and overflow law State patents were issued to about seven eighths of the tide lands of the bay. It is now claimed that under the act of Congress admitting California to the Union, providing that all navigable waters shall be forever free, and the constitutional provision that all tide lands within two miles of any incorporated city or town of this State and fronting on the waters of any harbor or bay used for the purpose of navigation shall be withheld from grant or sale to private persons, partnerships or corporations, these State patents are illegal. As much of these tide lands has been occupied by private individuals claiming ownership for a great many years, it is contended that the statute of limitation would bar the State from recovering the same, even though the State patents might have been illegally issued. In the case of *People vs. Kirker*, decided by our Supreme Court within the year, it is decided that tide lands are held in trust by the State for the people, and that in such cases the statute of limitation does not run against the State. The contest over these tide lands will be bitter, and contested by both sides with determination. It may be several years before they end. Your committee, therefore, is of the opinion that in view of the unsettled conditions of the tide lands at San Pedro, and the wish of a large number of people in Los Angeles and adjacent cities that the improvement of that harbor should be left to the municipality, it would be unwise to recommend the appointment of a state harbor commission, or the submission to the people of a bond issue for the improvement of this port.

OAKLAND.

Oakland has eighteen piers and docks, none of which are owned by the State, and which are under the jurisdiction of the city, which has expended much money in the way of improvements. In order to remedy the disadvantages of crowded docks and shallow water the city has in contemplation the issue of improvement bonds to carry on the work that is estimated will cost at least \$25,000,000 when completed.

The business done at Oakland is given for three years, being from January 1, 1905, to December 31, 1907. During this period 4,513 vessels entered the port, having a total of 2,019,918 tonnage. The greatest obstacle to an increase of business is shallow water, which must be deepened, no matter what the cost may be. This is essential in order to maintain the commerce in deeper bottoms. Oakland has about four miles of berth space, which takes in all the frontage on piers and wharves. New docks are needed, those now in use being inadequate even under present conditions. The dockage charges are regulated by city ordinances, and are practically the same as those that have been fixed by the State at San Francisco. As five railroads, including the belt line, are doing business on the Oakland wharves, demands for more room will constantly be made, and will necessitate the expenditure of a greater amount of money than is contemplated in the \$5,000,000 bond issue now under consideration. All new work should be of that permanent character that will last for all time.

MONTEREY BAY.

Monterey Bay is situated south of San Francisco Bay, and was one of the earliest shipping points in the State of California. The great necessity for that port is a breakwater, and earnest effort has been made to secure the building of the same by the Federal Government. It is claimed that if the breakwater were constructed in Monterey harbor fourteen million acres of farming land held by residents along Monterey Bay contiguous to that port, would be enhanced in value, and that much land now vacant would be made available for farming and grazing. Speaking of Monterey Bay, Captain Davis, of the United States lighthouse service, wrote: "For twenty-five years I have been running in and out of the port of Monterey. There is no harbor on the coast where finer anchorage can be found. Monterey is the best harbor between San Francisco and San Diego. It is thoroughly protected from the southwest winds, which can not be said of any other harbor on the coast."

The great obstacles to shipping in Monterey Bay are the ground-swells and undertow. The ground-swells sometimes sweep into the bay, causing surging to a degree dangerous to the larger vessels, while smaller craft are seldom disturbed. The several attempts made by the people of Monterey to induce Congress to appropriate funds for the building of a breakwater have been ineffectual, as the engineering board has always reported adversely, giving as reasons that the shipping is not sufficient to justify the expenditure. Monterey has, however, become an important California port, as the tonnage which passed out of the harbor in the last year amounted to over 500,000 tons. It is true that this was largely shipments of oil, but oil is

now an important factor in our commerce. The present tonnage represents an increase of over 200 per cent in the two years last past.

It is estimated that the breakwater necessary to divert the current and cut off the undertow should be built out into the bay in an easterly direction about 2,000 feet, and that it would cost approximately \$1,000,000. This, it is claimed, will enhance the value of several million acres of land and assure better freight rates to a large population inhabiting the territory contiguous to Monterey Bay.

The entire water front in Monterey is owned by the municipality, and the city is determined that it shall always be free from monopoly holdings. It is to be hoped that the Federal Government can be induced at an early date to provide the necessary funds for the building of the Monterey breakwater.

PORT SAN LUIS.

Port San Luis has achieved commercial importance largely because of the immense shipments of oil, there having been 3,000,000 barrels of this product exported during the year 1907. There is a depth of 34 feet at the entrance, and an anchorage area of ten square miles with an average depth of 30 feet. The county, at an expense of \$90,000, raised by bond issue, has constructed two wharves and owns one of the two docks at Port San Luis, the other being the property of private parties. The tide lands are all owned by individuals. The Federal Government has taken the preliminary steps toward completing a breakwater which has been under construction several years. The facilities for shipping are adequate for all present demands, and possibly for years to come.

SANTA BARBARA.

Santa Barbara was visited, but that city had nothing to ask, being in a very large measure a coast shipping point and pleasure resort. Although there have been moderate amounts of shipments in and out, this being a regular port of call for the Pacific coast steamers plying between San Francisco and San Diego, the one pier into the roadstead is sufficient for all the needs of the city.

NEWPORT BEACH.

Newport Bay, once a shipping point, is at the present time wholly a pleasure resort. The people living at that point justly believe the Federal Government should follow up the preliminary expenses of a survey made several years ago, and build twin jetties which would give them a safe and deeper channel into the bay, and a reasonable chance to gain back the lost trade. At the present time the bay is more an inland sea than a bay because of the little depth at the bar which renders navigation almost impossible. It is there believed that the State can influence the Federal Government to afford the necessary relief, which can come only in the way mentioned—the construction of twin jetties and a reasonable amount of dredging.

PETALUMA AND SAN RAFAEL.

These two ports are on the tide waters of San Francisco Bay, and enjoy a rapidly growing commerce. Several thousand dollars have been expended by the town of San Rafael in dredging a channel from the bay to the city, giving a depth of four feet at low tide. It is estimated that \$5,000 appropriated by the State would increase the capacity of the channel so as to give competing water rates with the railroad.

Petaluma is the port for a great section of country bordering on the north shore of San Francisco Bay. Several vessels arrive and depart daily, carrying great quantities of grain, dairy products, and general merchandise. An appropriation is needed to straighten the channel in the river above the head of navigation and to dredge the bar where the river empties into San Francisco Bay. It is estimated that \$15,000 will suffice for this work.

NECESSITY OF HARBOR IMPROVEMENTS.

California is at present, as it were, merely a transfer station where freight is received and forwarded to Asia, Australia, Pacific island ports and the more eastern of the United States. It is true the oil fields have been instrumental in the development of a commerce with the Far East, and the fruit and other productions of the State have made their own market in all of the states of the Union, and our lumber is in demand in many foreign countries, but we have not kept pace with other portions of the world in a manufacturing way. We have increased shipments into the State at the expense of our export trade, making but comparatively little use of the raw material that should greatly increase our commerce.

On the California coast are extensive deposits of iron ore, and in time great smelters will be established and our manufacturing interests will be multiplied many fold. In addition to this raw material California has a power that is but partially utilized, which should be sufficient to operate all manufacturing, lighting, and power plants that may be required within this State during the next twenty-five years. All this can the water in the mountains do if properly harnessed, and not a drop be wasted that might be required for irrigation and domestic purposes. The impounding dams of San Diego County, the great Owens River project now in

operation of the system, in the opinion of the engineer, the service will amount to the cost of the fuel and the cost of the labor of the engine, and the cost of the fuel will be the same as the cost of the labor of the engine. The engine, however, will be the same as the cost of the labor of the engine, and the cost of the fuel will be the same as the cost of the labor of the engine.

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Engine	1.00	1.00	1.00
Engine	1.00	1.00	1.00
Engine	1.00	1.00	1.00
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in San Francisco have apparently been ample. But periods of depression do not stay the life of wharves that were erected in the past without having in view longevity, and which must soon be replaced by modernized structures. There must also be additional docks and wharves, not only to provide for the increased tonnage that is inevitable, but also to accommodate the larger vessels that are year by year growing in size. To provide room for these new wharves there must be extension of the seawall and the reclamation of land for commercial purposes.

That it is wisdom for the State to expend money on such improvements admits of no question. Or rather, it should be stated in another way, it is wisdom for the State to loan its credit for such improvements as will not only care for present demands, but also to meet all the requirements of the commercial world in the years to come.

There are two harbors to which the State can consistently loan its credit, having power to adjust the schedule of charges and to provide for the repayment of all moneys obtained on the credit of the State. These are San Francisco and San Diego. In the first named the State owns all the wharves except two, and the additional ones now necessary can be built only as property of the State, subject to its regulations. In San Diego the State does not own any of the wharves, but with the erection of a seawall there will not only be the wharves to the pier line, but there will be the reclamation of tide lands worth nearly the cost of construction; and immediately following the building of the seawall and wharves at San Diego the State charges will naturally be the basis for the regulation of all dockage charges, and eventually cause all wharves now owned by private parties and corporations to practically come under State supervision.

Great as has been the expenditure at San Francisco, that harbor has been self-sustaining. With the improvements so badly needed, costing probably \$10,000,000, there will come increased revenues with the increased commerce, while there will be but little increase in administrative expenses. At the present time wharfage facilities are taxed to their utmost to care for the 9,678,792 tons of freight annually handled. The increase since the earlier days has been constant, and it requires no imagination to prove that within a few years this port will be handling 13,000,000 tons of freight annually. To meet this increased business, and to accommodate the additional shipping there is the necessity of providing greater facilities than now exist, and which can not be provided for in time from the annual revenues of the port. The report of Luther Wagoner and Wm. Heuer, U. S. A., the engineers of the Federated Harbor Improvement Association, says:

The commerce of the port is growing, not with regularity, but with constant acceleration, and in twenty years the commerce should amount to 13,000,000 tons (annually). What increase of this acceleration will follow the completion of the Panama Canal is suggested, but not figured in the calculation. It is predicted that the proper extension of the docks and wharves would enable the port to do a commerce of 30,000,000 tons annually. This would mean the covering the ten miles of water front with docks.

There are five plans for extension presented, as follows:

A. Development of the water front continued along the bay in a southerly direction beyond what is now the boundary line between San Francisco and San Mateo counties.

B. In case a Greater San Francisco were formed, embracing other cities on San Francisco Bay, construction of other wharves on the Oakland side of the bay.

C. Cut down Yerba Buena Island and build up an adjacent shoal.

D. Acquire land now submerged and in private ownership between India Basin and what is known as Islais Creek channel, which would permit of an inner basin being formed, in which nine additional wharves may be constructed, to furnish more than four miles additional berth room.

E. Slips and solid piers may be constructed between Fort Mason and Presidio. This will furnish 19,200 lineal feet of berth room.

Obtain permission of the Secretary of War to reestablish the bulkhead or seawall line 150 feet bayward of its present location, and for a corresponding alteration of the pierhead line, especially at Mission Rock, to furnish 5.3 miles of additional wharf room, or 10.8 miles additional berth room from between Channel street and Hunter's Point, or, including that in Paragraph D, more than 15 miles additional berth room.

The engineer's report referred to shows that with one fourth of the cost of the Liverpool harbor San Francisco's harbor could be extended to accommodate twice the business of Liverpool. It is further shown that under the recent amendment to the constitution, authorizing 75-year bonds, the cost of extension and improvement of the harbor would not in the least be burdensome, as the percentage of earnings would provide for maintenance, repair, and management, and leave ample for interest and sinking fund for redemption of the bonds. The engineers make a detailed statement, showing the cost of the harbor complete. The estimated cost is for the erection of docks, wharves, and appliances sufficient to accommodate a traffic of 30,000,000 tons annually. The total cost, not considering the price of real estate, would amount to \$43,284,195. It is estimated that the value of the present water front improvements now amounts to \$10,000,000, and this added to the proposed development would make the entire cost \$53,284,195. Continuing, the engineers say:

"It is proposed to pay for these improvements with long term (75-year) bonds, a synopsis of the commerce of the port showing that the sum could easily be paid from

the port itself. The Federated Harbor Improvement Association suggests that \$10,000,000 long term bonds be issued for the work that is to be completed by 1920. These bonds would not all be issued before 1920. As before shown, the revenues of the port are ample to pay all harbor expenses, pay the interest and eventually redeem the bonds.

The only too frequent congestion of freight notwithstanding the efforts of the harbor commissioners and their associates, aided by the business men of San Francisco, fully warrant the commissions as to present conditions and requirements for the future, as set forth in the report of the Federated Harbor Improvement Association.

The present wharves are inadequate for an increased commerce.

New wharves and additional seawall should be constructed in advance of the immediate requirements of commerce.

Harbor lines should be modified as soon as practicable. Applications to change these lines and to build solid piers extending outside the pierhead lines should be made to the Secretary of War.

Funds from existing dock revenues are not sufficient to make the improvements as rapidly as required. The present port charges should not be increased. Two millions more to be made in the next ten years will cost between \$10,000,000 and \$11,000,000. Funds for this purpose may be obtained by an issue of \$10,000,000 four per cent 75-year State bonds, sinking fund for their redemption to begin twenty-five years after their first issue.

Wharves at the head of wharves are essential. A change in the bulkhead line in accordance with recommendations should afford suitable warehouse space.

Notable the most important segment on the western coast of the United States, San Francisco has for its harbors, in a commercial way, all the land to the Atlantic Ocean. Hence it is that the great trans-continental lines are doing their utmost to reach that point, as well as the more southerly ports, for all the year the way is open to traffic on land as well as on the ocean. Taking into consideration the increase in population in the Western States during the past twenty years, and the work now being done by the Federal Government in the reclamation of desert lands, there will unquestionably be within the next twenty years millions of people whose there are now hundreds of thousands. This means added production and almost numberless new manufacturing establishments throughout the West and the State of California, a largely increased commerce that will tax to the utmost the capacity of all the ports of California, and especially that of San Francisco. There will come a time when American ships will be made possible, and under the American flag will be carried the breadstuffs and manufactured articles demanded by the advanced and enlightened nations of the world. California will be the first to reap the benefit of the extended commerce, for she has the things that the people of the world need and must have. To prepare for that time the ports must be made ready.

NECESSITY FOR STATE ACTION.

We found at San Diego a condition as to the water front largely in favor of the State. The building of a seawall will not only make it possible for the State to construct and own a number of wharves, but there will follow the reclamation of lands that will at once be worth almost the cost of constructing the seawall and will be a source of revenue for all time to come. The Federal Government is making improvements in San Diego Bay that will not only necessitate the expenditure of millions in the way of deepening the channel in places, but will require a promulgation for harboring the cattle fleet of the Pacific when occasion requires. Not as great in area as San Francisco Bay, San Diego Bay is large enough and deep enough for the entire Pacific fleet, and not in any way interfere with commerce. Another thing that will eventually cause the business of this port to largely increase is the shorter distance to the Hawaiian Islands, Japan, China, and Australia. It will be the most port of call for vessels coming through the Panama Canal and having two transcontinental railroad lines never disturbed by the rigors of winter or the flooding of melted snows, commerce from the Middle West, Eastern, and some of the Southern States will naturally seek the Pacific at this point.

If present conditions alone were to be considered, San Francisco and San Diego says could still be without wharves of any kind, for in the past "present" there was no need for innovations of that kind. In the light of the future San Diego, a most important port, having all the requirements of a safe harbor, with practically no limit to its capacity, and the State being in possession of its rights as to tide lands, there must be substantial improvements in the way of a seawall and wharves. California can not afford to neglect this important point, nor can the business done be pressed over to private individuals and corporations. No reflection is cast upon private persons, for the business of San Diego harbor has been well and honestly done, to the encouragement of commerce. The Harbor Commissioners have at all times been earnest and faithful in their duties, but honesty and faithfulness do not build seawalls and wharves.

The Board of State Harbor Commissioners for the bay of San Diego recommends the building of a seawall and wharves by the State as the best way to secure low wharf charges, as well as making provision for future increased business from the ocean trade. The method of building and paying for the same as applied to San Francisco would apply to San Diego as well. The State would be merely loaning its credit, the bonds and interest to be paid from the business of the harbor.

CALIFORNIA HARBORS AND LATIN REPUBLICS.

While it is not within the province of this committee to suggest methods and means of extending trade, or the building up of a great commerce for State ports, yet the connection between improved harbors and an increased commerce is so close that your committee deems it proper to make reference to the possibilities of closer trade relations with the twelve Latin Republics having frontage on the Pacific, and with are spending immense sums of money in the improvement of their ports. Mr. John Barrett, of Oregon, Director of the Bureau of American Republics, who has not only made a most exhaustive study of the resources of the republics south of the United States, but who has as well made personal examination of their trade relations, gives some valuable information. He calls attention to the wonderful development in all the Latin Republics, in which business enterprises have been inaugurated that involve the expenditure of many millions of dollars. He asserts that if one twentieth of the expenditures that have been made for trade relations in Japan and China had been devoted to establishing closer relations with the Latin Republics the results would have been incomparable. In illustration Mr. Barrett shows that the Argentine Republic, with 6,000,000 population, had a greater foreign trade than Japan with its 50,000,000 and China with its 400,000,000 population. And yet the United States has made but little effort to secure a fair proportion of this immense trade. That which we have neglected has been eagerly sought by England and Germany.

An expenditure of \$15,000,000 has been ordered by Chili for the improvement of the harbor at Valparaiso, and other ports are receiving practical attention. Heretofore, the development of Mexico has been largely limited to the more eastern and central parts of that republic, but of late years the officials of Mexico have been giving attention to the western or Pacific portion, having brought to completion improvements and enterprises that have already been of vast benefit to California ports and to the State at large as well, besides inaugurating others that California should be prepared to utilize.

One of the first steps toward an enlargement of trade and an increase of manufacturing and commercial interests is the proper improvement of the harbors of the State, even before the shipping fleet of the United States can be increased to proper proportions, as it will be. The attention of the commercial bodies of the State should be called to an almost neglected field, which promises for greater results than does the Orient. While the latter is being cultivated there is no excuse for apathy in the extension of trade relations with the Latin Republics, which are so rapidly developing their natural resources. The proper improvement of the State's harbors will have much to do with the establishment of closer trade relations with republics which should be brought into a great commercial union, the United States being the leading member, and California the most important factor.

Your committee recommends to the Legislature the advisability of State aid in securing for our commercial interests full information as to the natural resources of all the Latin republics, especially those bordering on the Pacific, as well as their needs for the manufactured products and commercial articles originating in this State, which should find a market in those southern countries now almost monopolized by Germany and Great Britain. It is true such information would be of general use, but California is in position to reap the greater reward owing to its almost unlimited supply of raw materials, its unlimited power for manufacturing purposes, and its harbors that, with proper improvement, can not be excelled.

ADVISORY BOARD OF HARBOR COMMISSIONERS.

Your committee recommends an amendment to the Political Code providing for an Advisory Board of Harbor Commissioners, to be comprised of the presidents of the several boards of harbor commissioners in this State. The desirability of such a board should be apparent. It might be well to add to such advisory board the Governor and the Controller, in view of the proposed increase in the expenditure of State moneys and in order to protect the people's interests. This is a matter to which serious consideration should be given, your committee having, during its researches, realized the advisability and the necessity for such a board.

CONCLUSIONS.

At the present time the accommodation for ocean freighters is in its infancy as compared with Atlantic ports, although the total number of vessels discharging cargoes during 1907 in California ports was 15,775. It has been said that facilities are sufficient for the present tonnage entering our ports, but increase of population within the State, a like increase in the states farther east, and the extension of trade territory will soon place present conveniences among the things of the past. To permit port facilities to remain at a standstill will be to acknowledge that all that has been said regarding the great anticipated growth of commerce is false, and we do not believe with our money that which we say with our mouths.

The State owns the tide lands at San Diego, and a portion of the tide lands at San Francisco, where the building of seawalls gives the State the ownership of wharf and warehouse privileges on its own reclaimed lands, a valuable acquisition that is worth millions of dollars in present values. Naturally concessions and rentals will add more millions of dollars, and eventually return to the State all that may have been

expended, with interest, and still keep port charges at a minimum. Increased facilities will work to the advantage of consumer and shipper alike, while the benefits to the entire State will be inestimable.

For commercial purposes there are in State ports thirty-one wharves owned by the State, two owned by county, and thirty-eight owned by corporations and individuals. Added to these may be counted some thirty piers and docks occasionally used for commercial purposes, but which are in the main designed for pleasure or merely for private interests. Of these privately owned two are in San Francisco, nine in San Diego, nine in San Pedro, one in Santa Barbara, fifteen in Oakland, one at Port San Luis, one at Monterey, and one at Newport. The aggregate length of all the piers, State and private, has been estimated at 81,000 feet, affording accommodation for about 350 vessels at one time, a small number for the growing business being developed at all the ports. The cost of these wharves or piers is impossible of determination, varying so greatly with conditions. In San Francisco the cost varies from 50 cents to \$2.90 a square foot, the character of piling and bottom being taken into consideration. At San Pedro the cost has been placed at \$40 a running foot. In San Diego Bay there has been found the same conditions that prevail in San Francisco Bay as a whole, although the cost of concrete piling may be a little less. There is a demand for improvements by the State, confined principally to the building of seawalls, the construction of piers, and dredging. The approximate of aggregate ultimate cost is not less than \$50,000,000.

The maintenance and repairs of all the ports aggregate for 1907 only \$247,200, showing economical management, and this when the commerce in these ports represented in value hundreds of millions of dollars. This cost of maintenance, of course, is the aggregate of only those ports making report.

How shall these improvements, if decided upon, be made? Your committee has asked this question of many people, and the answer has invariably, with one exception, been, "By the issuance of long term bonds bearing a low rate of interest." The reason is obvious. As the benefits to be derived from these improvements will extend to future generations, it is desirable that the expense of making the improvements should be partially borne by those who receive a portion of the benefits. This is generally understood by the people of the State of California, inasmuch as the Legislature at its last session submitted to the electors of the State a constitutional amendment which provides for the issuance of 75-year bonds, and their redemption by a sinking fund which shall not begin for a period of eighteen years after their issuance. This amendment was carried by a large vote, and it was generally understood by the electors that these bonds were intended for the improvement of the harbors of the State. The Legislature will, therefore, only be carrying out the will of the people in submitting to the electors of this State the bond issues recommended for the ports of San Francisco and San Diego.

RECOMMENDATIONS.

From the investigations made, as set forth in the foregoing report, the Joint Legislative Committee recommend as follows:

San Francisco.—That there be submitted to the electors of the State of California, under constitutional amendment adopted at the 1908 election authorizing 75-year bonds, a bond issue of three million dollars for the purpose of building a seawall and appurtenances for the port of San Francisco; a bond issue of six million five hundred thousand dollars for the purpose of building wharves and docks at the port of San Francisco; a bond issue of fifty thousand dollars for the purpose of extending, repairing and improving the belt line railroad at the port of San Francisco; a bond issue of one million dollars for the acquisition of land at or near Islais Creek Basin; and a bond issue of four hundred thousand dollars for dredging in the port of San Francisco.

We further recommend that provision be made for the sale of these bonds, when authorized, by the State Treasurer upon direction of the Governor of the State of California, after a resolution requesting such sale shall have been made and adopted by the State Harbor Commissioners. Such bonds to be sold only as the funds are needed for the specified improvements.

San Diego.—We recommend for the port of San Diego a bond issue of one million dollars for the purpose of building a seawall and its appurtenances, and a bond issue of five hundred thousand dollars for the purpose of building wharves and docks at said port, under the same terms and conditions as contained in the recommendation for the bond issue for the port of San Francisco.

Humboldt Bay.—We recommend that a direct appropriation of twenty-five thousand dollars be made for the purpose of removing by dredging the hogbacks or sand deposits which are at the present time a destruction to shipping in Humboldt Bay.

Oakland.—As a majority of the people of Oakland prefer municipal control of harbor improvements at that point and advocate an issue of municipal bonds to pay for the same, we recommend that the State take no action so far as the improvement of the water front at Oakland is concerned.

San Pedro.—Inasmuch as the title to the tide lands at San Pedro is in litigation, and as the people of Los Angeles, and a portion of the inhabitants of San Pedro and Wilmington desire municipal control of that port, the committee recommends that the building of walls and docks at San Pedro be left entirely to the municipality.

Petaluma and San Rafael.—We recommend that a direct appropriation of fifteen thousand dollars be made for the purpose of dredging the channel and also dredging across the bar at Petaluma, and that the sum of five thousand dollars be appropriated for dredging the channel to the city of San Rafael.

LEROY A. WRIGHT,

E. I. WOLFE,

T. J. KENNEDY,

WALTER LEEDS,

PERCY JOHNSON,

LOUIS STROHL,

Joint Committee on Harbors.

REPORT OF THE BOARD OF STATE HARBOR COMMISSIONERS, SAN FRANCISCO, CALIFORNIA.

SAN FRANCISCO, CAL., March 2, 1908.

Answers to questions proposed by the Joint Committee appointed at the last session of the Legislature regarding harbors in the State of California, Senator Leroy A. Wright, Chairman:

1. What is the depth of water over the bar at the entrance to harbor?

The average depth is five and one half (5½) fathoms, and there is a commodious channel having a minimum depth of nine (9) fathoms.

2. What is the average depth of channel in the harbor, and what is the area of anchorage ground?

The average depth of the channel is nine and one half (9½) fathoms. The area of anchorage ground in the immediate vicinity of the city, and now used as such, is twenty-four (24) square miles, exclusive of fairways, which occupy seven (7) square miles. In addition to this, there is available for anchorage in San Francisco Bay forty-eight (48) square miles, and in the adjoining extension of this inland sea, known as San Pablo Bay, twenty-one (21) square miles; a total anchorage ground of exactly one hundred (100) square miles.

3. What is the average depth inside the bay at piers and docks, or where piers and docks may be constructed?

The average depth inside the bay at piers and docks is twenty-three (23) feet; although at some places the depth is thirty-three (33) feet, which will allow the largest ships being safely docked.

4. How many piers and docks in your harbor are owned and operated by the State?

All of the piers and docks in the port of San Francisco are owned and operated by the State with the exception of two, viz.: the docking facilities of the Union Iron Works and those of the Western Sugar Refining Company.

5. How many piers and docks owned by the State are leased to private persons or corporations?

The Pacific Mail Steamship Company have a fifteen year lease on piers 42 and 44, commonly known as the Pacific Mail docks. This lease was executed and became effective February 2, 1907, and \$371,673 rental was paid in advance. The piers are each 650 feet long and 140 feet wide.

The Atchison, Topeka and Santa Fe Railway Company have a lease for a period of 168 months, executed and effective March 14, 1907, on what is commonly known as China Basin wharf, for which they paid in advance the sum of \$24,930 rental. This wharf is 720 feet long and 60 feet wide.

The Atchison, Topeka and Santa Fe Railway Company have a lease for a period of 72 months, commencing November 23, 1904, on what is commonly termed the Fourth Street Car Ferry Slip, located at the intersection of the water front line and the northerly line of the China Basin property, also leased to the said company. The sum of \$30,000 rental was paid in advance.

The Atchison, Topeka and Santa Fe Railway Company have a lease for a period of 96 months, effective February 17, 1904, on the addition to what is known as the Little Main Street Wharf, for which they paid in advance the sum of \$19,897 rental.

The Loop Lumber Company are to have a fifteen (15) year lease on dockage facilities on Central Basin, which will become effective upon the completion and acceptance of the wharves, which are now under construction. They have paid in advance for this privilege the sum of \$44,760 rental.

6. How many piers and docks are owned and operated by private individuals or corporations?

The Union Iron Works and the Western Sugar Refining Company own their own docks and piers.

7. What is the cost of each of such docks and piers, and what revenue do they produce to the State?

The docking facilities used by the Union Iron Works are not operated for commercial purposes, and therefore produce no revenue to the State. They are used solely for the building and launching of vessels, and their cost is unknown.

The Western Sugar Refining Company use the docks and piers, which were built by them, as an adjunct to their business, viz.: the importation and refinement of sugar. They produce no revenue to the State and their cost is unknown.

By the extension of the seawall, as is proposed, both of these docking facilities will come under the jurisdiction of the State, and will then be subject to tolls and wharfage rates, the same as other State docks.

8. What is the total number of piers and docks in your bay, how are they constructed, and what are their estimated lives?

The docking facilities of the harbor consist of thirty-one (31) projecting piers, in addition to which there is 6,629 lineal feet of bulkhead wharf.

The older piers, of which there are nineteen (19), are constructed of preserved piles with wooden caps, joists, and floorings; twelve (12) of more modern construction rest on huge concrete cylinders, eight (8) of which have wooden caps, joists, and flooring, and four (4) of which have heavy steel caps over the cylinders.

The estimated lives of the piers built on preserved piling and having wooden superstructures is from seven (7) to eight (8) years, after the expiration of which time extensive repairs are necessary. The life of a pier built on concrete cylinders is indeterminable and of indefinite length, some having been put in over thirteen (13) years ago are still standing and are apparently as good as ever as regards foundation.

9. What is the aggregate length of the piers and docks now in use?

The aggregate length of the piers and docks now in use is 18,600 feet, exclusive of the 6,629 feet of bulkhead wharf above mentioned.

10. What has been the cost of construction of your piers and docks?

Owing to the diversified forms of construction employed in the erection of docks and piers it has been deemed best to classify the answer to this question according to the mode of construction used, as follows:

A dock constructed of unpreserved or green piles will cost approximately fifty (\$0.50) cents per square foot.

If constructed on preserved piling the cost will be about eighty (\$0.80) cents per square foot.

If constructed on cylinders piers, with wooden caps, joists, and flooring the cost will be about one and (\$1.25) 25-100 dollars per square foot.

If constructed on cylinder piers with steel caps and wooden joists and flooring the cost will be between one and (\$1.60) 60-100 dollars and two and (\$2.20) 20-100 dollars per square foot.

An amount of approximately thirty (\$0.30) cents per square foot should be added to the above prices if the pier is to be covered with a wooden shed.

A dock constructed on cylinder piers with steel caps and having a reinforced concrete flooring and an iron fireproof shed, will cost approximately two and (\$2.90) 90-100 dollars per square foot.

It is understood, of course, that the prices given above are subject to variation, according to the demands of labor and the cost of material.

11. What is the present condition of your docks and piers?

The docks and piers constructed on concrete cylinder piers, that is, on piles protected by concrete piers, are in good condition; those on preserved piles are in every condition from good to that of being on the verge of collapse.

12. Are your dock facilities adequate for all demands of the trade at any season of the year?

The docking facilities of this port are inadequate in so far as they do not permit of specific assignment of wharves to regular lines of steamers, which is deemed desirable.

13. What pier improvements are needed in your harbor?

The seawall must be extended from the Union Depot Ferry House to Pier 42, a distance of 5,160 feet. One thousand feet of this wall extending northerly from Pier 42 is now nearing completion. Abutting this wall there will be built three of the most modern type of concrete fireproof piers. This work should be followed by the reconstruction of at least twelve of the old piers and the addition of four new ones, all extending to the pierhead line. This work will cost ultimately \$5,000,000, and will acquire in seawall lots alone property worth at least \$2,000,000. The pierhead line should be redrawn to include the whole of China Basin, followed by twelve or more piers to serve the Potrero and Mission sections.

All of the old piers north of the ferry house must be modernized as dilapidation demands at a cost of over \$2,000,000. A solid wall pier should be built to the pierhead line from the neighborhood of the foot of Taylor street to protect modern docks required between Lombard and Taylor streets. The seawall should be extended westerly from Taylor and East streets to the Government reservation at Black Point, thus acquiring valuable seawall lots and pier sites demanded by commercial extension along Black Beach.

Ultimately Central Basin must be enclosed by the seawall, with a drawbridge as provided in the law, and thence extend to the intersection of Islais Creek.

14. What would be the approximate cost of such needed improvements?

The work above outlined, if done in permanent manner, will cost approximately \$20,000,000.

15. What improvements, if any, are expected to be made by the Federal Government; state character and probable cost of same?

The Federal Government will probably cause the removal of two small rocks near Mission Rock.

16. What steps, if any, has the Federal Government taken towards making such improvements?

The Federal Government has made surveys and estimates of this work, but the results are not obtainable.

17. What is private enterprise doing toward developing the shipping facilities of your port, and building up its commerce?

Private enterprise is doing nothing toward developing shipping or commerce, except the Western Pacific Railway Company, who contemplate the construction of terminal facilities along Islais Creek. To date there has been approximately 14,000 yards of material placed for a mole. The aforesaid company own approximately \$6,000,000 worth of property in this section of the city, and contemplate its development for an Oriental terminal. Ultimately this will mean the expenditure of an enormous sum of money, and as a natural consequence the shipping of the port will receive an impetus.

18. What has been the annual cost of maintenance of your docks and piers?

The average annual cost of maintenance for the docks and piers in San Francisco Bay for the last twenty-five years has been approximately \$170,000 per year. This amount does not include dredging.

19. If wood and piling have been used in the construction of piers and docks, what is the average life of the piling?

Piers and docks constructed on preserved piles last seven (7) or eight (8) years. On green piles from three (3) to six (6) years.

20. What are your dockage charges?

The port charges in San Francisco are extremely moderate and bear favorable comparison with those of any port in the world.

The following dockage charges are quoted from "Harbor Rules, Regulations, and Rates, adopted by the Board of State Harbor Commissioners, San Francisco, 1906," and to which reference is hereby made:

RATES OF DOCKAGE.

Each rate is for a day of twenty-four (24) hours, or any part thereof, including Sundays, holidays, and rainy days.

61. For all ocean vessels, steam or sail, and all sail vessels, steamboats, and barges navigating the bay of San Francisco and the rivers and other waters flowing into it, of two hundred net registered tons or under, 2 cents per ton; for all such vessels of over two hundred net registered tons, \$4 for the first two hundred tons, and three quarters of a cent for each additional ton.

Full rates should be charged as follows:

62. (1) Vessels with cargo on board docking at wharf while discharging cargo.

(2) Vessels with cargo on board docking at wharf while discharging or taking on passengers and baggage.

(3) Vessels with no cargo on board docking at wharf while discharging passengers and baggage.

(4) Vessels with cargo on board docking at wharf while taking on stores, supplies, or fuel oil for fuel for such vessel.

(5) Vessels with cargo on board docking at wharf while lying idle.

(6) Vessels that are engaged in towing.

(7) Vessels that are not engaged in carrying freight or passengers.

Half rates shall be charged as follows:

63. (1) Vessels with no cargo on board docking at a wharf while loading cargo.

(2) Vessels with no cargo on board docking at a wharf while receiving passengers or receiving stores, supplies, or fuel oil for fuel for such vessel.

(3) Vessels with cargo on board docking at a wharf while taking on a reasonable amount of cargo, exclusive of stores, supplies, or fuel oil for fuel for such vessel.

(4) Vessels with no cargo on board while lying idle at a wharf.

(5) Vessels while receiving or discharging ballast or receiving stiffening.

(6) Vessels either discharging, loading, or lying idle while occupying outside berths.

(7) Vessels while moored in docks, slips, basins, or canals.

(8) Vessels engaged in towing and vessels not engaged in carrying freight and passengers not entitled to half rates.

64. When the per diem dockage of a vessel, as above described, is not a multiple of five, it must be reduced or increased, as the case may be, to the nearest such multiple; *provided*, that if it be equally near to two such multiples, it must be increased to the first such multiple above.

65. All bills for dockage must be paid when due, whether approved by the master or not. Failure to pay said bills on presentation will subject the vessels to be placed on the delinquent list, and to the penalties provided by law. Errors, if any, will be rectified by the board.

66. When a vessel of any kind is charged or has paid dockage at a wharf for any day, she may use the same or any other wharf during that day without further

charge, no matter how often she may leave and return: *provided*, a receipt for payment or transfer card from the wharfinger at the first wharf be produced, and on application of the master the wharfinger is required to issue such transfer card.

RATES OF DOCKAGE ON LIGHTERS.

66a. A lighter is understood to be a vessel which has neither power nor steering equipment.

REPORT OF JOINT COMMITTEE ON HARBORS.

67. A dockage rate of 1 cent per ton net tonnage per day will be charged on all lighters in the following cases:

- (1) When discharging or loading at a wharf.
- (2) When discharging into or loading from a vessel lying at a wharf or in a slip with or without cargo on board.
- (3) When transporting from a wharf to a vessel, or from a vessel to a wharf, but one dockage charge will be made per day.

21. What is the cost of handling freight per ton?

For an answer to this question, the following is quoted from the "Harbor Rules, Regulations," etc., above mentioned:

RATES OF TOLL.

Both a discharging and a loading toll shall be imposed on all merchandise (including vessels' stores and supplies and fuel oil for such vessels) except where otherwise specified, and must be paid by the vessel discharging or loading same.

68. A ton is by weight 2,000 pounds, unless otherwise specified; by measurement, 40 cubic feet.

69. Merchandise, for the purpose of tolls or wharfage, must be computed by weight or measurement, as the one mode or the other will give the greater number of tons.

70. Of the following articles 2,240 pounds constitute a ton: coal, railroad iron, pig iron, gypsum, asphaltum, ores, crude or boiled sulphur, paving stones, sand, and ballast.

TOLLS PER TON.

71. On merchandise (except where otherwise specified) including vessels' stores and supplies and coal and fuel oil for such vessel, per ton, 5 cents.

On flour, grain, and millstuffs, 5 cents.

On 400 pounds or less, 1 cent.

On 800 pounds or less and more than 400 pounds, 2 cents.

On 1,200 pounds or less and more than 800 pounds, 3 cents.

On 1,600 pounds or less and more than 1,200 pounds, 4 cents.

On 2,000 pounds or less and more than 1,600 pounds, 5 cents.

Tolls on merchandise when measured or charged a higher rate, to be collected according to the foregoing subdivisions.

TOLLS CHARGED OTHERWISE THAN BY THE TON.

72. On the following articles tolls must be paid as follows:

On fir, redwood, spruce, and all softwood lumber, per 1,000 feet, board measure, 10 cents.

On oak, hickory, ash, and all hardwood lumber, per 1,000 feet, board measure, 20 cents.

On lumber or timber discharged in the water in any slip, dock, basin, or canal, the same as if discharged on a wharf.

On piles discharged on any slip, dock, basin, or canal, per pile, 6 cents.

On fence posts, per 100, 10 cents.

On railroad ties, per 1,000 feet of lumber, board measure, contained therein (32 or 24 feet to a tie, according to size), 10 cents.

On shingles, per 40 bundles, 10 cents.

On laths, per 60 bundles, 10 cents.

On shakes, per 100 bundles, 10 cents.

On empty barrels (merchandise), each $\frac{1}{4}$ cent.

On empty sugar barrels, each, $\frac{1}{4}$ cent.

On cord wood, per cord, 5 cents.

On tan bark and stave bolts, per cord, 5 cents.

On fire bricks, per 1,000, 15 cents.

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On bricks (other than fire bricks) discharged on, or loaded from any wharf, per 1,000, 10 cents.

On bricks (other than fire bricks) discharged from any vessel lying at any wharf, or in any slip, dock, or basin, into another vessel, or received into any such vessel, per 1,000, 5 cents.

On wool or cotton in sacks, per sack, 1 cent.

On wool or cotton in bales, strapped, per bale, $1\frac{1}{2}$ cents.

On hops, in bale, per bale, 1 cent.
 On hides of cattle (green or dry), per hide, $\frac{1}{4}$ cent.
 On skins, per skin, 1-16 cent.
 On cattle, horses, and mules, per head, 5 cents.
 On colts and calves, under a year old, per head, $2\frac{1}{2}$ cents.
 On sheep and hogs, per head, 1 cent.
 On hay, per ton, 5 cents.
 On crushed rock (long ton), 5 cents.
 On reapers, mowers, horse rakes, hay presses, gang plows, cultivators, and wheeled vehicles, set up, each 10 cents.
 On headers and separators, set up, each, 20 cents.
 On charcoal, per 35 sacks (of 55 pounds each), 5 cents.
 On cement, 5 barrels to the ton, 5 cents.
 On lime, 8 barrels to the ton, 5 cents.
 On beef, pork, or fish, 6 barrels to the ton, 5 cents.
 On sugar or syrup, 6 barrels to the ton, 5 cents.
 On wine or liquor, per barrel, $1\frac{1}{4}$ cents.
 On wine or liquor, per pipe, 5 cents.
 On coconuts, per 1,000, unhusked, 15 cents.
 On coconuts, per 1,000, husked, 10 cents.
 On bananas, per bunch, $\frac{1}{4}$ cent.
 On salmon, per ton of 2,000 pounds, 5 cents.
 Crude oil (whether in barrels or bulk), per ton of 2,000 pounds ($7\frac{3}{4}$ pounds to gallon), 5 cents.

Crude oil, naphtha, gasoline, etc., conveyed either inward or outward, over or through any wharf, bulkhead, or other State structure, or loaded or discharged in any, slip, basin, or channel, per ton of 2,000 pounds ($7\frac{3}{4}$ pounds to gallon), 5 cents.

73. (The weight of crude oil contained in tanks or vessels or conveyed to or from shipping, to be computed on the basis of $7\frac{3}{4}$ pounds per gallon, if actual weight is not obtainable.)

74. On empty packages, being returned to the owner, who uses them to send commodities to market, no tolls will be charged.

75. Grain, flour, millstuffs, beans, and seeds will be subject at all wharves to the same rules and rates of tolls and wharfage as are imposed on other merchandise.

Amendment to Rule 75. Grain, flour, millstuffs, beans, and seeds may remain on the wharves at Sections Nos. 1 and 2 of the seawall until five o'clock P. M. on the third day after discharge, free of wharfage charge; for the next five days, or any part thereof, there shall be a wharfage charge of 5 cents per ton; to each additional day thereafter the wharfage charge shall be 5 cents per ton; *provided*, that where any owner or consignee fails or refuses to pay, on demand, bills rendered for wharfage, or refuses to comply with other rules and regulations of the Board of State Harbor Commissioners, the provisions of Rule 82 shall apply and become immediately effective as to such owner or consignee.

76. The term "grain" is intended to and does include wheat, barley, oats, corn, and rye; the term "flour" includes only the flour of wheat, and "millstuffs" includes only bran, middlings, shorts, and ground feed.

78. No tolls will be charged on donkey engines or stevedores' tolls when taken on the wharf for the purpose of loading or discharging a vessel, nor on milk, butcher, baker, ice, or laundry supplies furnished daily to vessels.

79. Merchandise landed on a wharf and not removed therefrom, may be reshipped from the same wharf without payment of further toll, but the wharfage, if any due thereon, must be paid.

80. Merchandise, except bricks (other than fire bricks), discharged from a vessel lying at any wharf or within any slip, into lighters or other vessels, is subject to the same rates of tolls as if discharged on or loaded from a wharf.

81. When tolls have been paid on merchandise, on its being discharged from a vessel it may be landed thence on a wharf, or discharged into another vessel, without the payment of further tolls; except bricks (other than fire bricks), which shall be charged as follows: On bricks, 5 cents per one thousand.

In addition to the above specified tolls a charge for stevedoring should be added, amounting to between thirty (\$0.30) cents and forty-five (\$0.45) cents per ton.

22. What warehouse charges are made on the piers and docks?

Reference is again made to "Harbor Rules, Regulations," etc., from which the following is quoted:

WHARFAGE.

82. Merchandise must be removed from the wharf before five o'clock P. M. on the day following the one on which it was placed thereon; but wharfingers are hereby authorized, when the owners or consignees of merchandise desire it, and it can be done without interfering with the business of the wharf, to allow merchandise to remain on the wharf after the prescribed time, a wharfage charge equal to an additional toll for every forty-eight hours or part thereof. If merchandise be not removed within twenty-four hours after notice by the wharfinger, it shall be liable to the penalties of Section 2524 of the Political Code.

Exception to Rule 82: Lumber discharged from vessels carrying 500,000 feet, board measure, or over, and from vessels of no lesser capacity, may remain on wharf until five o'clock p. m. of the third day following its discharge. Then and thereafter all provisions of Rule 82 shall be effective and must be enforced. This exception to Rule 82 to become effective July 31, 1907, and to continue in force until further notice.

23. What are the demurrage charges for the first twenty-four hours?

This question is answered by Rule 82 above quoted.

24. How many vessels can secure dockage facilities at one time?

This question is not entirely clear, the answer depending entirely upon the tonnage of the vessels. Certain piers in this port will accommodate four large ships, while the same pier will accommodate several steam schooners. It is estimated, however, that from one hundred and eighty to two hundred vessels can secure berth room.

25. Are dockage facilities ample, or nearly so, for the present demands?

Owing to present national financial conditions, and local shipping labor conditions, the dockage facilities of this port are at the present time ample for needs of trade. The demands of commerce made on this port, however, are so excessive that to comply with them would take years of time and millions of money. By constant re-arrangement of berth space, the facilities of this port are now accommodating the commerce. This answer should not, however, be taken as a criterion of future development of trade.

26. Are your tide lands owned by the State or private individuals?

The State owns no tide lands in San Francisco Bay whatever, except the land acquired by the construction of the seawall, commonly termed seawall lots. The tide lands of the bay were sold by the State under the Tide Lands Act.

27. If portions of your tide lands are owned by individuals, give the area as nearly as possible of private ownership and its location.

The approximate area of private ownership of tide lands is four (4) square miles, and extends along the entire water front to the Presidio.

28. What are the dockage and shipping charges proposed by owners of private docks and piers?

No dockage or shipping charges are proposed by owners of private docks and piers, as the facilities under private ownership are used solely in connection with the business of the owners.

29. From what ports is freight received, foreign and domestic?

From all ports in the United States and the world.

30. What is the amount of freight in tonnage shipped to domestic and foreign ports? Give aggregate in each case.

During the year ending June 30, 1907, there was shipped from San Francisco to foreign ports 1,613,872 tons of freight. During the same period there was shipped to domestic ports 2,744,776 tons.

31. What is the amount of tonnage annually received?

The average tonnage for the past five years has been 3,506,395 tons per year.

32. What is the amount of tonnage annually shipped?

The average tonnage shipped for the past five years has been 3,476,395 tons per year.

33. How many steam vessels entered your port during the year 1907. Give tonnage.

During the year ending December 31, 1907, there were docked at the port of San Francisco 6,900 steam vessels, with a total tonnage of 3,895,454. Of this number 2,937 were bay and river craft, and the balance, or 3,963, were deep seagoing vessels. This does not include the ferry boats which ply between the city of San Francisco and trans-bay points, which make 170 trips daily and carry 100,000 passengers.

34. How many sail vessels with tonnage entered your port during the same period?

For the calendar year ending December 31, 1907, there were docked at the port of San Francisco 748 sail vessels, with a total tonnage of 720,140. Of this number 729 were deep seagoing vessels and 19 bay and river craft of over ninety tons registered measurement.

35. What are your leading imports?

The leading imports of the port of San Francisco are cereal products, coal, iron, lumber, cement, gravel, shingles, shakes, laths, bricks, glass, hemp, sugar, cotton, tobacco, pelts, whale oil, petroleum, and products, tropical fruits, hardwoods, nitre, and all other general merchandise.

Manufactured products of all kinds, flour, hay, malt, liquors, wines, canned goods, canned and dried fruits, fresh and citrus fruits, etc.

37. Where private parties own the water front land, can the title be secured by the State at reasonable prices without condemnation?

It is not necessary for the State to secure title to tide lands of private ownership, as the construction of the seawall creates the State's own water front.

38. What railroads have spurs to or on the piers and docks, and to what extent is there interference with the convenience of the public?

The Southern Pacific Company have spurs on Piers 42 and 44. The Atchison, Topeka and Santa Fe Railway Company have spurs on Piers 26 and 28. The public

is interfered with only to the extent that traffic is sometimes delayed by switching cars across the street in front of these docks.

39. What interior territory in this or adjoining states may be economically served by shipping to or from your port?

All of the Sacramento and San Joaquin valleys from Shasta on the north to Bakersfield on the south; every navigable river in the State; and the entire state of Nevada.

40. What are the immediate prospects of an increase of the shipping of your port? The immediate prospects are good, and a lively increase in shipping may be expected within the next month or two, and to continue indefinitely.

41. What are your warehouse and railroad facilities for handling freight?

The warehouse facilities have recently been augmented by the erection of a grain warehouse 1,000 feet long by 80 feet wide. Exception to Rule 75, above quoted, applies to grain discharged at this point. As stated above, the sheds on the wharves are used for warehouse purposes for a stated period of time. (See answer to question 22, Rule 82.) As an adjunct to the docks the State owns and operates what is known as the belt railroad, with four miles of trackage, connected with which are about two miles of private spurs in addition. This railroad receives car loads from transbay railroads and distributes them among the freight houses, warehouses, and factories around the water front. Over 50,000 loaded cars were handled on the belt railroad during the past year. A uniform rate of \$2.50 per loaded car is charged for this service.

42. What are the prospects of an immediate enlargement of such facilities?

The construction of the seawall contemplated will enlarge the shipping field, which will, of necessity, have to be served by the belt railroad, thus demanding an enlargement of this facility.

43. What, if any, suggestions have you to make to existing laws regulating harbors?

It is to be regarded that existing laws, while holding the Harbor Commission responsible for any abuse of State property, does not give it sufficient control over the same for the abatement of nuisances. A striking illustration of this has recently been presented to the traveling public, when certain daily newspapers of this city set decency and good order at naught.

The case in question has been reported upon by Commissioner W. E. Dennison, acting as a committee of one on abuses of privileges connected with the approaches to the ferry building. Mr. Dennison submitted the following report:

"In recognition of the necessity of having free and unassailed passage through the union depot and ferry house of San Francisco, used daily by more than 100,000 people, the Board of State Harbor Commissioners on November 21, 1907, established and marked lines defining a strip 12 feet wide along the curb of the north and south wings and all of the space about the main facade to a distance at least 100 feet from the building. All vehicles standing for hire, except street cars, and all itinerant persons soliciting baggage or passengers, or selling or crying for sale wares or merchandise of every kind, including newspapers and racing programmes, were ordered to remain beyond said lines. During inclement weather only were the news vendors allowed the shelter of the building.

"For a period of fifty-six days the public enjoyed a peace and freedom at the main gateway of this city that had never before been known. No resistance was made to the regulation until the afternoon of January 16, 1908, when a mob of more than 100 crossed the lines and defied the police. The regular newsboys were reinforced and led by hoodlums from 16 to 22 years of age, carrying papers. After unavailing efforts to keep back the offenders the police made a number of arrests in the most humane manner.

"When the first of these offenders was brought to trial in the police court the State's attorney for the Board was curtly denied by the district attorney the customary privilege of appearing for that official in the interests of the State. Therefore a presentation of the case from the standpoint of this Board was not permitted. The case was dismissed without even as much as a reprimand, save for the Board of State Harbor Commissioners and its officers.

"In the absence of a fixed penalty for this particular violation of a sound regulation, made solely in the interest of a long-suffering public, the police court and the district attorney's deputy derided the efforts of the Board and through it the State of California."

The laws should be amended so that a proper end would be accomplished, and in case of conflict with municipal authorities the matter should be adjusted in the State courts.

Laws should be made compelling the Pilot Commission to make its report to the Governor of the State or the State Legislature, and the pilot charges of the port should be materially reduced. As a remedy we would suggest that the pilots be placed on monthly salaries instead of fees, and a nominal charge, if any, be made against incoming and outgoing vessels.

44. What, in your opinion, is it practical for the State to do to assist in the building up of commerce at your port?

Authorize the issuance of sufficient bonds to make the required improvements, moderately anticipating the wants of commerce.

45. If improvements are made by the State, should they, in the judgment of your business men, be made by direct appropriation or by the issue of bonds bearing a low rate of interest, and covering a period of many years?

By the latter.

46. What are your pilotage charges?

The rates of pilotage into and out of the harbor of San Francisco are as follows (Section 2466, Political Code): "All vessels under 500 tons \$3 per foot draught; all vessels over 500 tons \$3 per foot draught, and 3 cents per ton for each and every ton registered measurement. * * * In all cases where inward bound vessels are not spoken until inside of the bar the rates of pilotage herein provided shall be reduced 50 per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage except where a pilot is actually employed."

The pilotage inside the heads to the anchorage opposite San Francisco and about the harbor, or between the harbor of San Francisco and the ports of Mare Island, Vallejo, and Benecia, must be at such rates as agreed upon between the parties, not to exceed \$5 per foot draught.

The Legislature of 1903 amended the law reducing the rates of pilotage into and out of the harbor of San Francisco from \$5 per foot draught to \$3 per foot draught, and from 4 cents per ton registered measurement to 3 cents per ton.

47. What obstacles, if any, have shipping interests to contend with in your port?

The vessels docking at the port of San Francisco have to pay an extraordinarily high rate for the water they use. There is also an absence of warehouse facilities along the water front, which tends to increase merchandise cost. In addition to this there is a total lack of any facilities for handling bulk freight. A limited number of power cranes should be installed on the wharves.

48. If, in your opinion, any of the fixed charges on shipping can be reduced, please make suggestions as to the best method of accomplishing such reduction.

The shipping charges of the port are reasonable and bear favorable comparison with shipping charges of any of the world's ports. There should be no reduction in such charges until such time as the improvements contemplated are completed.

49. Have any private persons or corporations attempted to monopolize the shipping facilities of your port or your water frontage? if so, state what persons or corporations, and what, if anything, has been done to prevent such monopoly?

We have no knowledge of any such attempt either by private individuals or corporations; in fact, it would not be possible under the law.

Respectfully submitted.

W. V. STAFFORD,

President Board of State Harbor Commissioners.

REPORT OF THE BOARD OF STATE HARBOR COMMISSIONERS, SAN DIEGO, CAL.

SAN DIEGO, CAL., March 2, 1908.

1. What is the depth of water over the bar at the entrance to harbor?

The channel on the bar is 250 feet wide and 28 feet deep.

2. What is the average depth of channel in the harbor, and what is the area of anchorage ground?

The channel in the harbor is from 30 to 50 feet deep. The available area of anchorage in the bay of San Diego, which I assume to be that part of the deep water within the 26-foot contour is, as near as can be determined from the small scale maps published by the Government, 9.2 square miles.

3. What is the average depth inside the bay at piers and docks, or where piers and docks may be constructed?

The depth of the pierhead line is rarely less than 25 feet, usually over 30 feet. All wharves should terminate at the pierhead line.

4. How many piers and docks in your harbor are owned and operated by the State?

The State has no wharves in the bay.

5. How many piers and docks owned by the State are leased to private persons or corporations?

The State owns no wharves in the bay, and therefore can lease none.

6. How many piers and docks are owned and operated by private individuals or corporations?

There are nine large wharves, all private ownership; there are ten small wharves, foot wharves. The Federal Government has a small wharf at Fort Rosencrans and a quarantine wharf, with buildings, at La Playa.

7. What is the cost of each of such docks and piers, and what revenue do they produce to the State?

	Cost.	Rent per Year.
Santa Fe wharf.....	\$200,000 00	\$360 00
Pacific Coast Steamship Company.....	50,000 00	600 00
Spreckles Bros.' Commercial Co.....	150,000 00	360 00
San Diego Lumber Company.....	40,000 00	240 00
Russ Lumber and Mill Company.....	44,000 00	420 00
Jorres & Son.....	25,000 00	84 00
Standard Oil Company.....	2,500 00	240 00
Coronado Beach Company, ferry wharf.....	75,000 00	96 00
Coronado Beach Company, commercial wharf..	25,000 00	72 00

8. What is the total number of piers and docks in your bay, how are they constructed, and what are their estimated lives?

There are nine large wharves in the bay. The piers or wharves constructed on the bay of San Diego are, without any exception, wooden structures supported on piling. The wharf known as the "Spreckels wharf" is really the only one that can be considered in good condition. The life of any timber structure upon this bay is limited to the activity of the teredo and limnora. As a general thing, no piling will last for a longer period than two years unless it be well protected with hydraulic cement concrete, or is a piling treated with creosotum, or some other preservative agent. Under the best of condition no timber structure will last without a large amount of expenditure for maintenance.

9. What is the aggregate length of the piers and docks now in use?

1. The wharf of the Atchison, Topeka and Santa Fe Railway Company is 40 feet wide at the shore end. It extends into the bay about 2,500 feet, on an easy curve. At the extreme end it is 74 feet wide. About 500 feet from the shore a spur extends westward 800 feet long. The deep water end of the shore is 72 feet wide.

2. The wharf of the Pacific Coast Steamship Company extends into the waters of the bay 1,917 feet, and at the outer end has a head or T 115 feet wide and 415 feet long.

3. The wharf of the Spreckels Bros. Commercial Company extends into the waters of the bay 2,000 feet. It is 75 feet wide at the outer end. The Spreckels coal bunkers are on this wharf.

4. The wharf of the San Diego Lumber Company extends into the waters of the bay 2,038 feet, and at the outer end has a head 75 feet wide by 250 feet long.

5. The wharf of the Russ Lumber and Mill Company is 500 feet wide and extends into the waters of the bay 450 feet.

6. The wharf of Jorres & Son extends into the waters of the bay about 2,050 feet. The head at the outer end is 500 feet long and 80 feet wide.

7. The wharf of the Standard Oil Company is located 2,000 feet out from the shore, and is 200 feet long and 10 feet wide. A pipe line extends from the shore to the wharf.

8. The wharf of the Coronado Beach Company is located on the Coronado side of the bay; it contains the slip for the Coronado ferry. It is 350 feet wide and extends into the bay 300 feet.

9. The commercial wharf of the Coronado Beach Company is located on the Coronado side of the bay. It is 100 feet wide and extends into the bay 200 feet.

AGGREGATE LENGTH OF WHARVES.

	Main Wharf.	Spur or Head.
Atchison, Topeka and Santa Fe Railway Company.....	2,500	800
Pacific Coast Steamship Company.....	1,917	415
Spreckels Bros. Commercial Co.....	2,000	...
San Diego Lumber Company.....	2,038	250
Russ Lumber and Mill Company.....	450	...
Benson—696 feet on tide lands; 300 feet below low tide.		
Jorres & Son.....	2,050	500
Standard Oil Company.....	...	200
Coronado Beach Company, ferry.....	300	2,165
Coronado Beach Company, commercial.....	200	11,455

10. What has been the cost of construction of your piers and docks?

The answer is given in the answer to Question No. 7.

11. What is the present condition of your docks and piers?

The wharves are all in good condition for traffic, except the wharf owned by Jorres & Son, which is in very bad condition, and mostly fallen down.

12. Are your dock facilities adequate for all demands of the trade at any season of the year?

The present wharf facilities seem to be sufficient for all business demands at the present time.

13. What pier improvements are needed in your harbor?

The commissioners think that a wharf owned by the State, which might be used by all persons and companies not having wharf facilities of their own in the bay, would greatly increase the value of this port in the minds of shippers and seafaring men as a shipping point.

14. What would be the approximate cost of such needed improvements?

A new wharf for the State would cost approximately \$100,000.

15. What improvements, if any, are expected to be made by the Federal Government; state character and probable cost of same?

The Federal Government is building a naval coaling station in the bay; the cost will probably be \$250,000. A bill has been introduced in Congress this term appropriating \$259,750 to build a dry dock and for other work in the bay.

16. What steps, if any, has the Federal Government taken toward making such improvements?

The coaling station is now in course of construction.

17. What is private enterprise doing toward developing the shipping facilities of your port, and building up its commerce?

No answer.

18. What has been the annual cost of maintenance of your docks and piers?

The wharves in San Diego Bay cost annually about \$11,700.

19. If wood and piling have been used in the construction of piers and docks, what is the average life of the piling?

Piling properly treated with creosote and cement will last fifteen to twenty years. If piling is not properly treated it will not last longer than from three to five years. The limnora and teredo destroy the piles.

20. What are your dockage charges?

Per day, one cent per ton for 200 tons or less; three quarters of a cent per ton for balance, net register tonnage.

21. What is the cost of handling freight per ton?

Freight is unloaded from ship and loaded into cars. Merchandise, 50 cents per ton; lumber, 75 cents per thousand feet; ties, 60 cents per thousand feet.

22. What warehouse charges are made on the piers and docks?

Warehouse charges on wharves depend on the commodities, time and other conditions, and are made by contract.

23. What are the demurrage charges for the first twenty-four hours?

There are no demurrage charges. Regular dockage is charged when a vessel lies alongside a wharf, whether she discharges or not.

24. How many vessels can secure dockage facilities at one time?

The full capacity of all the wharves, under favorable conditions, is twenty-four vessels at one time.

25. Are dockage facilities ample, or nearly so, for the present demands?

There is sufficient room at the wharves for all vessels that come into the bay at the present.

26. Are your tide lands owned by the State or private individuals?

The State owns nearly all the tide lands.

27. If portions of your tide lands are owned by individuals, give the area as nearly as possible of private ownership and its location?

The Coronado Beach Company owns tide lands on a portion of North Island. We have no data giving the area.

28. What are the dockage and shipping charges proposed by owners of private docks and piers?

No answer.

29. From what ports is freight received, foreign and domestic?

Imports from foreign countries are mostly from France, Germany, England, Ireland, Mexico, British Columbia, Chili, Japan, Hongkong. Imports from ports in the United States are mostly from New York and from Pacific coast ports.

30. What is the amount of freight in tonnage shipped to domestic and foreign ports? Give aggregate in each case.

No answer.

31. What is the amount of tonnage annually received?

During 1907, 73,057 tons; 64,688,700 feet of lumber.

32. What is the amount of tonnage annually shipped?

1907, 10,976 tons.

33. How many steam vessels entered your port during the year 1907? Give tonnage.

Four hundred and twenty-three.

34. How many sail vessels with tonnage entered your port during the same period?

Eighty. Of the total tonnage of vessels entering, amounting to 128,008, 73,057 tons were left at this port.

35. What are your leading imports?

The principal articles of import are coal, coke, pig iron, cement, domestic animals, copper, matte, hides, guano, bran, onyx, fire brick, lumber, flour, feed, structural iron, iron pipe, machinery, groceries, dry goods, and leather goods.

36. What are your leading exports?

Honey, tallow, hides, pelts, fish, wool, oranges, lemons, and grain.

37. Where private parties own the water front land, can the title be secured by the State at reasonable prices without condemnation?

So small a portion of the water front and tide lands is owned by private parties, and this at such favorable locations, that it is very unlikely they would be willing to sell to the State.

38. What railroads have spurs to or on the piers and docks, and to what extent is there interference with the convenience of the public?

The Atchison, Topeka and Santa Fe Railway Company has tracks on its own wharf and on the Spreckels Bros.' wharf; these tracks do not inconvenience the public.

39. What interior territory in this or adjoining states may be economically served by shipping to or from your port?

San Diego Bay is the natural and best port of entry for all the territory south of Tehachapi and eastward of southern California, including Arizona, New Mexico, Utah, Colorado, and Kansas.

40. What are the immediate prospects of an increase of the shipping of your port?

The commerce of the port of San Diego is growing rapidly at present, owing to the rapid development of southern California. When the Isthmian Canal is opened we anticipate that very great amounts of the products of southern California will be shipped to the Atlantic coast through this port and the canal; and that great quantities of merchandise from the cities of the Atlantic coast and from Europe, which is destined for southern California and territory eastward, will be shipped through the Isthmian Canal and will be entered at this port; also that large quantities of the products of the Orient shipped to the United States will be entered at this port.

41. What are your warehouse and railroad facilities for handling freight?

There is at present only one transcontinental railroad reaching the shores of this bay, the Atchison, Topeka and Santa Fe. This company has a large warehouse and a large platform on its wharf.

The Pacific Coast Steamship Company has a large warehouse on its wharf and one on the shore.

The Spreckels Bros.' Company has a large warehouse on the shore near its wharf.

42. What are the prospects of an immediate enlargement of such facilities?

We do not know that there will be an increase of warehouse facilities soon. We think there will be a large increase within two or three years, when the San Diego and Arizona Railroad is built.

43. What, if any, suggestions have you to make to existing laws regulating harbors?

We have no suggestions to make at the present time as to the laws governing harbors. Any suggestions and recommendations which are the results of our experience and mature thought which we may wish to make will be presented in our next biennial report, in October, 1908. [This report was printed in December, 1908.]

44. What, in your opinion, is it practical for the State to do to assist in the building up of commerce at your port?

We think that a wharf owned and controlled by the State, and the building of a portion of the bulkhead or seawall, will tend greatly to increase the business of this port.

45. If improvements are made by the State, should they, in the judgment of your business men, be made by direct appropriation or by the issue of bonds bearing a low rate of interest and covering a period of many years?

The business men of San Diego would prefer that bonds of long term and low rate of interest should be issued for improvements in the harbor, rather than that a direct appropriation should be made for the purpose.

46. What are your pilotage charges?

No answer.

47. What obstacles, if any, have shipping interests to contend with in your port?

Excepting cheap and ready transportation to the interior of the county, there are no great obstacles to shipping interests here.

48. If, in your opinion, any of the fixed charges on shipping can be reduced, please make suggestions as to the best method of accomplishing such reduction.

The building of a wharf by the State is probably the only practical and effective way to secure low rates of dockage, etc., for transient or other shipping not in possession of a wharf in this bay.

49. Have any private persons or corporations attempted to monopolize the shipping facilities of your port or your water frontage; if so, state what persons or corporations, and what, if anything, has been done to prevent such monopoly.

The Santa Fe wharf, by reason of its location and form, covers 1,900 feet of water front.

TIDE LANDS.

In the Matter of Tide Lands of the Bay of San Diego, California, the Title to Which Is Disputed as Against the State.

Witnesses who claim to have known portions of the shore line of the bay of San Diego during the past thirty years, have gone over the ground along what they claim is the original line of mean high tide (before fills were made on the tide lands) from South Twenty-first street to Atlantic street in the city of San Diego, California. A map has been made of that portion of the water front, showing the line claimed by these witnesses as the original line of mean high tide. This line is practically the same as the line laid down by Lockling in his map of Horton's Addition to San Diego, made in 1870, and filed in the office of the recorder of the county of San Diego, State of California, in June, 1871, by A. E. Horton.

The Commissioners intend to have the testimony of these witnesses perpetuated by having the witnesses examined before a court commissioner. After this matter

is concluded, the Commissioners think they may be able to proceed with confidence to enforce the claims of the State to these tide lands.

HUMBOLDT BAY.

The secretary of the Eureka Board of Harbor Commissioners made a statistical report for 1907, which was sent to the joint legislative committee in lieu of the detailed report asked for. It was evidently thought that a comprehensive review of the business done, aided by a personal inspection on the part of the committee of the facilities of the port, would enable its members to arrive at a wise conclusion in the making up of its report and the accompanying recommendations.

The business done from this port was principally with coast points. There was in connection with this a valuable and constantly growing trade with the Hawaiian Islands, the Central American States, the South American ports, and with England and Australia. Naturally exports constituted the bulk of the business done by water, Eureka being the center of large manufacturing enterprises. The shipments of lumber (lumber proper, shingles and shakes reduced to lumber feet) were 341,350,188 feet, valued at \$6,025,412; to this valuation should be added \$1,679,386 for other forest products, making a total of \$7,704,798. Were this all, Eureka might be considered an important port on the California coast, well up to the front of the list, but there is more in the way of exports. Adding the 14,589 tons of animals, dairy, farm and ranch, orchard, fish, game and miscellaneous products, valued at \$2,022,991, there is a grand total of \$9,727,789 in manufactures and products originating at this one port.

The importations for the year 1907 amounted to \$3,680,114, and the arriving and departing passengers numbered 32,617.

Some estimate of the importance of the shipping business in Humboldt Bay may be obtained from the following figures of earnings, the true index of the carrying trade:

Lumber, domestic ports.....	\$1,219,307
Lumber, foreign ports.....	146,093
Other exports.....	53,230
Import freight.....	216,477
Passenger earnings.....	293,553
Total	\$1,928,660

The business of Humboldt Bay (Eureka) has been carried on at great disadvantage at times, so far as shipping is concerned. The bay has a depth of from 27 to 49 feet in many places, while a depth of 51 feet is often found. There is a mean depth of 34 feet in large areas of anchorage, in which there is ample room for an unlimited number of vessels, provided those of larger tonnage could reach these favored basins at all times. There are, however, several "hogbacks" in the channel, separating these basins, on which may be found a mean depth of but 14 feet of water. There are three of these "hogbacks" interfering very materially with free navigation except for vessels of light draft. A judicious amount of dredging would make all these deeper basins available for the largest ocean vessels. The Federal Government is expending \$75,000 in the channel in front of the city, but more than this is required to make practical the entire harbor. The dredging of these "hogbacks," which are of comparatively few feet across, would be the means of largely increasing a business now worth more than \$15,000,000 annually. There is no deep water at the piers, but this can be secured without much trouble, and will be as soon as the anchorage ground of the bay is made available by proper dredging. Business reasons would lead the owners to prepare for the larger vessels as soon as the deeper basins may have been connected, thus extending the channel.

The future of Humboldt Bay is a promising one. At the present time lumber constitutes the major portion of the business, but the exportations of other commodities are annually increasing, and as in time the manufacture of lumber will naturally be decreased, there will be an even more valuable trade take its place, as shown by the exports other than lumber during the year 1907.

SAN PEDRO.

1. What is the depth of water over the bar at the entrance to harbor?

Twenty-two feet at low water.

2. What is the average depth of channel in the harbor, and what is the area of anchorage ground?

Average depth of water along the docks of inner harbor is 24 feet at low water. The anchorage ground is in the outer harbor, where there are about 700 acres inside

the breakwater available for anchorage. Of this over 300 acres has a depth of 40 feet, and there are about 400 acres with an average of 30 feet.

On the northerly city limits the city of San Pedro has water frontage of over 5,000 feet in that vicinity on which no wharf franchise has been granted, but navigable channels have to be dredged to make this frontage available for shipping. The Federal Government has already dredged a navigable channel up to this frontage and this could be continued on in front of the city property. The Government is doing this dredging at a cost of eight cents a yard, as it owns the dredger.

No rock has to be excavated, all the excavating being done with a suction dredger and the dirt removed is used for reclaiming adjoining tide lands. On the east side of the inner harbor, in front of the city of San Pedro, the city owns a frontage of over 3,000 feet, in front of which there is now an average depth of 24 feet of water at low tide. Back of this, to the east, the Pacific Wharf and Storage Company is filling in an area of 86 acres. This work is nearing completion and will furnish the necessary grounds for railroad approach for the frontage referred to.

In the outer harbor the city owns a water frontage, including the inside of the breakwater, of over 30,000 feet, on which no wharf franchise has been granted. There are no tide lands, properly speaking, in the outer harbor; the area not available for purposes of navigation would properly be described as submerged lands. Of this class the city has granted to Randolph H. Miner the right to fill in 153 acres, but reserving the right to lay out streets over this fill whenever it may deem convenient, and has also reserved to itself a strip 1,480 feet long and 200 feet wide at the south end of the fill for dock and warehouse purposes.

The city has granted no wharf franchises with the privilege granted Miner, he simply getting a fifty years' lease on filled area.

A similar grant of 45 acres was made to H. E. Huntington on a narrow strip lying east of the Miner fill, and the conditions of the grant are practically the same in both cases.

On the west side of the harbor the city still owns about 214 acres of submerged lands, with a frontage of 8,000 feet, which could readily be filled in and made available for commercial purposes.

3. What is the average depth inside the bay at piers and docks, or where piers and docks may be constructed?

See answer to No. 2.

4. How many piers and docks in your harbor are owned and operated by the State?

None.

5. How many piers and docks owned by the State are leased to private persons or corporations?

None.

6. How many piers and docks are owned and operated by private individuals or corporations?

Nine wharves are operated by private parties and corporations, as follows:

Southern Pacific Railway Company.....	6,180 feet.
Wilmington Transportation Company.....	224 feet.
Northern Pacific Dock Company.....	420 feet.
San Pedro Lumber Company.....	1,550 feet.
Banning Wharf Company.....	200 feet.
Kerckhoff-Cuzner Lumber Company.....	809 feet.
National Lumber Company.....	350 feet.
Southern California Lumber Company.....	1,500 feet.
Crescent Wharf Company.....	800 feet.
Salt Lake Railway Company.....	3,000 feet.

7. What is the cost of each of such docks and piers, and what revenue do they produce to the State?

The State owns no wharf at San Pedro. The city of San Pedro now collects the tolls on the wharfs here, and this year they will amount to about \$3,000.

8. What is the total number of piers and docks in your bay, how are they constructed, and what are their estimated lives?

The ordinary pile, unless creosoted or covered with concrete, does not last more than four or five years.

9. What is the aggregate length of the piers and docks now in use?

Fifteen thousand and seventy feet.

10. What has been the cost of construction of your piers and docks?

The average cost of a wharf in the inner harbor is about \$40 per running foot. This, however, varies according to the material used in construction. The \$40 refers to the ordinary piling.

11. What is the present condition of your docks and piers?

They are in good condition.

12. Are your dock facilities adequate for all demands of the trade at any season of the year?

The present dockage in the inner harbor is barely sufficient for present needs, and will soon have to be enlarged. In the outer harbor, which is now nearing completion

and already available for the deepest vessel built, there are no docks, and deep draught vessels coming to this port have to anchor in the outer harbor and discharge enough of the cargo by lighters to reduce their draught to less than 24 feet, so as to enter alongside the docks of the inner harbor. This is one of the great drawbacks to the development of the commercial possibilities and needs of this port, and could be obviated by constructing docks in the outer harbor in 35 to 40 feet of water.

13. What pier improvements are needed in your harbor?

Docking facilities for deep water vessels in the outer harbor is the most immediate need.

14. What would be the approximate cost of such needed improvements?

Two million five hundred thousand dollars would make the needed improvement.

15. What improvements, if any, are expected to be made by the Federal Government; state character and probable cost of same?

The Federal Government engineers have recommended an appropriation of \$287,000 to connect the west end of the breakwater with the shore, and an appropriation sufficient to deepen the bar and channel of the inner harbor to an average depth of 30 feet at low water is to be asked from the next Congress.

16. What steps, if any, has the Federal Government taken toward making such improvements?

Surveys have been made and a hearing held by the Government engineers at San Pedro to show the necessity therefor. The Federal Government has already spent nearly five millions here, and has made all the improvements excepting the docks, which are owned by private parties. The State has done nothing for this port excepting to attempt to grant away nineteen-twentieths of the tide lands to private parties. The city of San Pedro is now considering the advisability of constructing a tunnel under the city from its northerly limits to the deep water of the outer harbor on the south for the purpose of giving an easier entrance to railroads desiring to reach the outer harbor, where the State could construct wharves in 40 feet of water.

17. What is private enterprise doing toward developing the shipping facilities of your port, and building up its commerce?

The Southern Pacific Railroad Company has just completed a slip 250 feet wide, 1,860 feet long, with a depth of 35 feet of water at low tide. This slip is said to have cost over \$500,000.

18. What has been the annual cost of maintenance of your docks and piers?

That depends on the type of construction. It now costs about \$50,000 per year to care for all of the present wharves.

19. If wood and piling have been used in the construction of piers and docks, what is the average life of the piling?

Unless protected, about five years.

20. What are your dockage charges?

From \$3.50 to \$14.75 per day, based on tonnage. Vessels 200 tons and under, \$3.50 per day, and 1,200 tons and over \$14.75 per day.

21. What is the cost of handling freight per ton?

Fifty cents per ton.

22. What warehouse charges are made on the piers and docks?

No charge at present; there are no warehouses.

23. What are the demurrage charges for the first twenty-four hours?

According to agreement.

24. How many vessels can secure dockage facilities at one time?

About 60 vessels can work at one time at the wharves.

25. Are dockage facilities ample, or nearly so, for the present demands?

The docking facilities have now reached their limit and more are imperatively demanded.

26. Are your tide lands owned by the State or private individuals?

The State has attempted to grant nineteen-twentieths of the tide land to private individuals.

27. If portions of your tide lands are owned by individuals, give the area as nearly as possible of private ownership and its location?

Seventy-five acres within the city limits of San Pedro are claimed by private parties under tide land patents from the State. It is claimed, however, that these patents are void in most cases.

28. What are the dockage and shipping charges proposed by owners of private docks and piers?

The county board of supervisors fix these rates, to wit: \$1 per ton on crude oil, coke, ores, grains, etc.; 60 cents on fruits, and merchandise \$1.25 per ton; on lumber, 75 cents per 1,000 feet.

29. From what ports is freight received, foreign or domestic?

Coast trade with all ports, north and south, and trade with most all the foreign ports.

30. What is the amount of freight in tonnage shipped to domestic and foreign ports? Give aggregate in each case.

31. What is the amount of tonnage annually received?

32. What is the amount of tonnage annually shipped?

Answer to Questions 30, 31, and 32:

Lumber (feet)	466,405,000
Shingles	178,844,000
Shakes	3,951,000
Laths	34,898,000
Ties	329,242
Poles	23,461
Piles	9,877
Posts	52,042
Merchandise (tons)	29,912
Sheep	7,447
Cattle	2,153
Shooks (tons)	2,624
Staves (tons)	619
Grain (tons)	17,727
Flour (tons)	1,864
Cross-arms (tons)	236
Peas (tons)	20
Potatoes (tons)	190
Apples (tons)	6
Paper (tons)	3,947
Beer kegs (empty)	1,788
Pickets	12,000
Windows	636
Doors	1,054
Lumber trucks	65
Coal (tons)	158
Sugar (tons)	344
Beer (kegs)	270
Passengers	101,841
Oil (crude, bbls.)	491,323

Foreign

Kopak (tons)	41
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Cement (bbls.)	50,596
Mineral water (cases)....	500
Liquors (cases)	627
Mustard (cases)	150
Beer (in bottles, bbls.)...	110
Merchandise (tons)	19
Oak logs (feet)	1,638,325

OUTWARD.

Merchandise (tons)	20,315
Cement (tons)	1,996
Oil (bbls.)	28,332
Coal (tons)	30
Passengers	104,491

VESSELS.

Steamers	1,215
Schooners	277
Barks	11
Barkentines	44
Ships	8
Brig	1
Barges	17
Tugs	19
Dredgers	2
Lighthouse tenders	2
U. S. cruisers	4

Foreign

Steamer	1
Ships	2

NET TONNAGE.

Steam and sail	791,377
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33. How many steam vessels entered your port during the year 1907? Give tonnage. Steamers, 1,217; net tonnage, 573,361.

34. How many sail vessels with tonnage entered your port during the same period? Sailing vessels, 385; net tonnage, 217,710.

35. What are your leading imports?

Lumber, cement, and general merchandise.

36. What are your leading exports?

Crude oil.

37. Where private parties own the water front land, can the title be secured by the State at reasonable prices without condemnation?

Yes.

38. What railroads have spurs to or in the piers and docks, and to what extent is there interference with the convenience of the public?

Salt Lake Railroad on the east side and Southern Pacific and Pacific Electric railroads on the San Pedro side.

39. What interior territory in this or adjoining states may be economically served by shipping to or from your port?

California to Fresno in the interior and San Luis Obispo on the coast, and all of southern California; east to Chicago and El Paso, and all the intervening states and territories.

40. What are the immediate prospects of an increase of the shipping of your port?

Good prospects, owing to dredging operations going on, and reclamation of lands and enlarging wharf facilities.

41. What are your warehouse and railroad facilities for handling freight?

For coasting vessels good; we have no facilities for deep water vessels.

42. What are the prospects of an immediate enlargement of such facilities?

Facilities for deep water vessels can be provided at a moderate cost.

43. What, if any, suggestions have you to make to existing laws regulating harbors?

Wherever possible provide public docks and amend the law regulating railroad commission so that it can do something practical.

44. What, in your opinion, is it practical for the State to do to assist in the building up of commerce at your port?

Make an appropriation for docks in the outer harbor.

45. If improvements are made by the State, should they, in the judgment of your business men, be made by direct appropriation or by the issue of bonds bearing a low rate of interest and covering a period of many years?

A bond issue would be best.

46. What are your pilotage charges?

Five dollars per foot draft for entering inner harbor, and 5 cents per gross ton for entering outer harbor.

47. What obstacles, if any, have shipping interests to contend with in your port? There are at present no facilities for docking deep water vessels, and San Pedro is not a terminal point.

48. If, in your opinion, any of the fixed charges on shipping can be reduced, please make suggestions as to the best method of accomplishing such reduction.

Municipal docks and a municipal road to Los Angeles would reduce the charges to one fifth of those now charged.

49. Have any private persons or corporations attempted to monopolize the shipping facilities of your port or your water frontage? If so, state what persons or corporation, and what, if anything, has been done to prevent such monopoly?

No one has or can monopolize the harbor of San Pedro, as the city of San Pedro owns over eight miles of its own frontage and can build municipal docks wherever it so desires.

OAKLAND.

From a report made to this committee by the Oakland Chamber of Commerce, dated April 30, 1908, the following has been gleaned:

There is a depth of 25 feet over the bar, and an average depth of 20 feet in the channel in the center of the city, varying from 8 to 25 feet. In what is known as Brooklyn Basin, there is an anchorage area of 300 acres, in addition to the channel which is two miles in length. There is a great variation of depth at piers or at places where piers may be constructed, varying from practically nothing to 25 feet.

The State owns none of the piers and docks at Oakland, of which there are eighteen owned by corporations and private individuals. As reports of expenses are not required by the State the cost of maintenance of these piers and docks can not be ascertained, this being a matter of private concern and subject to private expenditure. They are constructed entirely of wood, possessing the usual lifetime of wooden piers and piling.

Oakland has about four miles of berth space, counting all the available frontage on piers and wharves. To accommodate shipping the city has expended about \$50,000 in docks and \$1,000,000 more for dredging, and is contemplating a further expenditure of from \$1,000,000 to \$2,000,000. Other dock owners have expended over \$5,000,000 for docks and dredging. That other improvements are needed is apparent from the present condition of the docks, which are reported to be in only fair condition. There must, in addition to the improvement of the present docks, be new docks added, present facilities for shipping having been found to be inadequate. To remedy the evil of crowded docks and shallow water in the channel and at pierhead lines the city of Oakland has in contemplation an issue of improvement bonds, being but the beginning of improvements estimated to cost \$25,000,000 when completed. One of the first steps to be taken is the dredging of the channel to an average depth of 30 feet, a contract having been let for a portion of this work, which will amount to \$515,000, the ultimate cost not yet having been determined. The War Department has ordered new surveys in furtherance of this work. Dredging is being done on private property to secure the average channel depth, while the railway companies contemplate projects of great magnitude which will involve the expenditure of millions of dollars.

All dockage charges are regulated by city ordinances, and there seem to be no complaints from vessel owners or consignees regarding overcharges or discriminations. Until the channel can be dredged to the required depth the dockage facilities are reported to be ample for the demands made upon them, but present conditions are not favorable to the prospective increase of business, such as will naturally accrue to those points where commerce centers and trans-shipment is made from hull to car and from car to hull.

The State owns the tide lands to a little beyond the old city limits, this being one of the few ports in which complete State ownership has not been parted with, although the report of the Oakland Chamber of Commerce, by inference only, indicates that there is a considerable private ownership.

Some conception of the shipping business of Oakland may be obtained from the report of vessels entering that port from January 1, 1905, to December 31, 1907, there having been 4,513 vessels, not including ferries or river steamers, having a total of 2,019,918 tonnage. The leading imports have been lumber and coal, while the exports have been principally manufactured articles and canned goods.

The railroads doing business on the Oakland piers are the Belt Line, the Southern Pacific, the San Francisco, Oakland and San Jose, the Santa Fe and the Western Pacific. It can be stated that the entire United States seeks this port with a portion of its Pacific Ocean business. The latest of these railways, the Western Pacific, will very materially increase the business of this port, especially from the Middle West and the Southern States. It naturally follows, therefore, that there will soon be demanded an increase of facilities, especially in the accommodation of the greater ocean vessels. The legal rights of the city have been established by favorable court decisions, so that the much needed improvements will be proceeded with without unnecessary delay.

The official utterance of the Chamber of Commerce is to the effect that if improvements should be made by the State direct appropriations might be the proper method

of payment, although no arguments have been advanced in support of this position, and possibly a vote of the members of that body would not sustain it.

On one point there is no uncertainty—the one great obstacle that shipping interests have to meet is the lack of depth of water in the channel. On this one point there is no difference of opinion. Not only increased shipping, but constantly increasing size of vessels, demands greater depth in the channel than the average of 25 feet reported, an average that is of little value while there remains the much shallower waters reported.

PORT SAN LUIS.

Port Harford, on San Luis Obispo Bay, is about twelve miles from Port San Luis. The shipment of 3,000,000 barrels of oil to domestic and foreign ports, with an added export of 3,500 tons of cereals, and 5,000 tons of imports, give evidence of the importance at the present time of the future possibilities to be found in and about San Luis Obispo Bay.

With a depth of 34 feet at the entrance to the channel there is an average depth of 30 feet in the anchorage ground of the ten square miles constituting the available portions of the harbor. The practical utility of this great anchorage area is shown from the average depth, and the mean depth inside at the piers and at the places where docks can be constructed. At the present time there are but two piers, one of these being owned by the county and the other by private parties. They cost \$40,000 each, estimated. As the State has no interest in these piers there is naturally no revenue produced for the commonwealth, although the dockage charges are \$5 up to 950 tons and \$10 for that number and over.

The tide lands are all owned by individuals, as is found to be the case in many other ports. The dockage facilities are deemed to be sufficient for all present purposes. Naturally the demands made upon them are by the oil interests to a very large degree, interests that may be extended in volume, and which may follow the results of continued production, as found in other oil fields.

The Federal Government has taken the preliminary steps toward providing a breakwater, which has been under construction several years, the work being done on its extension. A small appropriation has been made for that purpose. Private enterprise, content with the present facilities in the way of dockage, does not seem to be adding to the present accommodations, there being room at the present time for eight vessels at the piers at one time, possibly a greater provision than has ever been taxed for use.

During the year 1907 the vessels calling at this port were as follows: Sailing vessels, 21; steamers, 327; tugs, 65; barges, 85; gasoline schooners, 12.

Mr. Myron Angel, under date of January 25, 1908, wrote this committee a letter dealing with the present advantages and the future possibilities of Port San Luis, from which the following extracts have been made:

"SAN LUIS OBISPO, CAL., January 25, 1908.

I. F. Fitzgerald, Esq., President Chamber of Commerce, San Luis Obispo, Cal.

"The view obtained from the bay by the passing traveler is not impressive of the resources of the country the harbor is to serve; even our own county people seldom contemplate the vast area to be accommodated commercially by the harbor of San Luis Obispo, and to which a perfectly protected harbor free from monopoly, is a necessity. The area concisely stated, is fully fifteen thousand square miles of exceedingly productive country. This is immediate—the area may be greatly enlarged in the future. To be more explicit, the region to be benefited by a good harbor at the bay of San Luis Obispo is bounded on the north by the valley of the Nacimiento extended east to crossing of the Monte Diablo range by a low pass of 1,500 feet, then northerly, including Fresno; east by the Sierra Nevada, and south by the Tehachapi and the Santa Ynez Mountains. All this area used the harbor by wagon transportation before the construction of the Pacific railroad through the San Joaquin Valley.

"In resources for the comfort and wealth of mankind this section as outlined is unsurpassed by any equal area on earth, being of soil and surface elements of great value, and beneath the fertile soil minerals in abundance and variety, explored to a depth of 4,000 feet, finding oil, clays, cement, and other rocks, sand, sulphur, soda, salt, and other substances of utility of manufacturing and commercial value.

"The immediate area now using the harbor is that west of the Monte Diablo range north of the Santa Ynez, equal in extent to that of the states of Connecticut and Rhode Island combined. I have included the county of Fresno in the ultimate area when the harbor is completed and transportation to it perfected. It is not usually understood that the distance from the city of Fresno to the harbor of San Luis Obispo is precisely the same as to the harbor of Monterey, while the mountain passes leading to San Luis Obispo are of less elevation and the route much more feasible for a railroad."

SANTA BARBARA.

There is an average depth of water at Santa Barbara of from 7 to 10 fathoms, with from 4 to 6 fathoms at points where piers may be constructed. There is but one pier, owned by private parties, constructed at a cost of \$125,000, this being 2,300 feet in length, and which pays a State license. Some repairs on this pier are needed

at the present time, the estimated cost of which is \$30,000. This, however, is a private matter. The dock charge is \$10 for each steamer taking berth room at the dock. There being room for six vessels at one time, the present dockage facilities are considered ample.

The tide lands at Santa Barbara are partly owned by the State, and as no commercial demands will likely be made upon them the ownership will in all probability remain as at present.

The tonnage, being business principally with San Francisco, Los Angeles, and San Diego, for 1907, amounted to 13,000 tons of incoming and outgoing freight, consisting of general merchandise, grain, lemons, beans, and walnuts. No pretense is made at serving interior points in competition with the ports north or south, owing to lack of railroad and other facilities. There is no immediate prospect of an increase in the shipping at Santa Barbara, local conditions being fully served. The business men of this place have expressed an interest in the conditions at Port San Luis, and expressed a desire that this committee pay especial attention to conditions at that place.

Having nothing to suggest for Santa Barbara in the way of improvements by the State, the Chamber of Commerce of that place indorses the plan of long-time bonds at low rate of interest to secure funds for improvements to be made in harbors where State assistance is required.

NEWPORT BAY.

Newport Bay, a beautiful sheet of water enclosed on three sides by commanding hills and on the ocean side by a sand peninsula that has been utilized by a railroad, an electric line and by town builders, is at the present time a pleasure resort, although with aid from the Federal Government in the way of building twin jetties it can be made a profitable business point. The depth of water over the bar is but 4½ feet at mean low tide, increasing to 10 feet at mean high tide. There was a time when the depth was so much greater that vessels of considerable size entered this bay and passed up the channel two or more miles before unloading. The drift of sand has never been interfered with, until at the present time the entrance to the bay is practically closed. Only twin jetties and much dredging can render the bay serviceable in any degree. Within the bay is a channel three miles long and 600 feet wide, varying in depth from 8 to 12 feet, with some locations showing greater depth. It has been estimated that a depth of 20 feet can be secured over an increased area by dredging, which would bring the same depth to the pierhead line.

There are a number of small piers, built to accommodate the pleasure demands, there being no other call upon them. There are no docks. The Southern Pacific has a pier extending into the ocean on which has been expended much money, and which, affording dockage for two vessels at one time, is deemed adequate for all present demands.

The tide lands in the bay are owned by both the State and by private individuals, the former possessing about 1,000 acres and the latter about 1,500 acres. Should the State ever have need of the lands owned by private parties there will be no trouble in securing title at reasonable figures without condemnation proceedings.

The Pacific Electric Railway Company and the Newport Beach Dredging Company have been granted permission to dredge the channel in the bay covering one and one half miles in length and averaging 500 feet in width. But this improvement is not intended for commercial purposes, nor will there be need for such until the construction of twin jetties by the Federal Government. The business men of Newport express the hope that the State will take some steps whereby the Federal Government will be induced to make the desired appropriation. It is their opinion that whatever improvements may be made by the State at and in harbors should be by a bonded issue of long time bearing low interest.

The following, by Lew H. Wallace, secretary of the Newport Beach Chamber of Commerce, is a comprehensive review of past conditions and suggestions of what may be:

"Records show that in 1873 the steamer at Newport plied between San Francisco and Old Newport wharf, three miles inside of the entrance. This steamer made the trip twice a month, bringing merchandise, which was freighted by team to Santa Ana, San Bernardino, and as far inland as Arizona and New Mexico. She always returned fully loaded with cargoes of grain, hay, barley, honey, peanuts; in fact, products of every description, as well as ores from the mines. This continued until 1888, when an outside wharf 1,200 feet long and 60 feet wide was constructed. With the increased facilities for handling, commerce increased immediately to two steamers per week which loaded and unloaded full cargoes the full year around until 1891. Commerce increased to such an extent in this year that an extra passenger steamer, with a cargo capacity, was added to the list of regular weekly service, thus making three steamers a week operating on a regular time schedule. Imports consisted of lumber and every known commodity. Exports became so heavy that the three regular steamers could not handle the trade, and many tramp steamers were called to this point to take care of surplus traffic. During this time Newport was the extreme southern port for the steamers Coos Bay, Santa Cruz, Eureka, and Bonita, owned by the Pacific Coast Steamship Company. During this period and the following years large numbers of cattle and sheep were carried from this port. In 1893 the steamer

Al Ki carried from this port the largest cargo of grain which up to that time had entered Golden Gate. This cargo consisted of 26,000 sacks of barley or 110 carloads; and in the same year there was landed on this wharf a cargo of 105 carloads of lumber, or nearly one million feet by the four-masted schooner Prosper. Beginning February, 1894, and continuing until June, 1899, the amount of lumber landed at this port would indicate the volume of imports that would be handled if adequate improvements and facilities were established. The figures covering the shipments from one wharf only during this period showed an average of 365 cargoes yearly, or more than one cargo a day, because the owners of the wharf and short railroad line at this time refused to operate on Sunday. These cargoes average 640,000 feet of lumber to the cargo, and records show that this was distributed to practically every commercial center known in the United States. In addition to this the regular three steamers a week unloaded and loaded at this port, with many tramp steamers interspersed. In June, 1899, the wharf and railroad line to the interior passed into the hands of the Southern Pacific Railway Company, which effectually cut off the Santa Fe Railway feeding from this port. Immediately upon the acquisition of this property by the Southern Pacific commerce and trade stopped, and where, within a week or two prior to this transaction, there were as many as five to seven steamers and schooners waiting their turn to discharge their cargo, the week following the change of ownership there was but an occasional vessel that stopped at this port. This data was obtained from the books of the wharf box for the private road and wharf during the years 1888 to 1899."

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved by the Senate of the State of California, That we deplore the raise in railroad rates by the railroads whose terminals are in this State, and also the change in rate charged by Wells, Fargo & Company, and we recommend to the Railroad Commission of this State the fullest investigation of this subject of railroad and Wells-Fargo rates, in order to conserve the interests of the people of the State of California before the Interstate Commerce Commission, the tribunal empowered by the laws of the land to consider and regulate matters of this kind.

Resolution read.

During the reading of the resolution, the following amendment was offered:

By Senator Caminetti:

Also to investigate and take necessary legal proceedings to dissolve and set aside any existing agreements between Wells, Fargo & Co.'s Express and other express companies, whereby the territory in the United States west of the Rocky Mountains is parceled out to the former company.

Amendment read.

The question being upon the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Birdsall, Boynton, Caminetti, Cutten, Holohan, Rush, Sanford, and Thompson—8.

NOES—Senators Bates, Finn, Hartman, Kennedy, Leavitt, Martinelli, Price, Reily, Savage, Weed, Wolfe, and Wright—12.

The question now being upon the adoption of the original resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bates, Bills, Birdsall, Boynton, Caminetti, Cutten, Finn, Hartman, Holohan, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Sanford, Savage, Thompson, Weed, Wolfe, and Wright—22.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1900.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt report on conference on Assembly Bill No. 1220—An Act

to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries—and have appointed the following Committee on Free Conference: Messrs. Mott, Hewitt, and Silver, and respectfully ask your honorable body to appoint a like committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President of the Senate announced that he had appointed Senators Martinelli, Weed, and Bills on a Committee on Free Conference on Assembly Bill No. 1220, to meet with a like committee from the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied passage to Senate Bill No. 249—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1179a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.

Also: Senate Bill No. 769—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Concurrent Resolution No. 22—Relative to adjournment *sine die* of the thirty-eighth session of the Legislature of the State of California—and respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 22?"

Strike out of said resolution the following: "ten o'clock P. M., Tuesday, March 23, 1909," and insert in lieu thereof "twelve o'clock meridian, Wednesday, March 24, 1909."

On motion of Senator Leavitt, the Senate concurred in the above Assembly amendment to Senate Concurrent Resolution No. 22.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 22?"

Strike out of said resolution the following, to wit: "twelve o'clock meridian," and insert in lieu thereof "ten o'clock P. M."

On motion of Senator Leavitt, the Senate refused to concur in the above Assembly amendment to Senate Concurrent Resolution No. 22.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills and exceptions on appeal.

Also: Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Also: Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Also: Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Also: Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Also: Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bills Nos. 659, 660, 661, 663, 664, and 941 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied passage to Senate Bill No. 468—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wolfe arose to a question of personal privilege, and spoke as follows:

Earlier in the session I sent the following telegram to the Secretary of the Senate of the State of New York: *

Secretary New York State Senate, Albany, N. Y.

Will you please wire at my expense what provisions Hughes direct primary bill contains concerning election of United States Senator?

EDWARD I. WOLFE.
President pro tem. California State Senate.

I hoped that I would have received a reply in time for the discussion on Senate Bill No. 3, but did not receive the following reply until this afternoon:

ALBANY, N. Y., March 23, 1909.

EDW. I. WOLFE, *Temporary President Senate, Sacramento, Cal.*

Hughes direct primary bill does not mention United States Senatorial elections in any manner whatever.

LAFAYETTE B. GLEASON, Clerk of the Senate.

I ask to have both telegrams printed in the Journal.

MOTION.

Senator Caminetti moved that 5,000 copies of the report, testimony, and proceedings of the Committee on Federal Relations, relative to the investigation of railroad and express rates and traffic conditions, be printed for distribution, and that a copy be filed with the Board of State Railroad Commissioners.

Motion carried.

MESSAGES FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Governor were taken up:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 19, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 366—An Act providing for the labeling or stamping by the manufacturer, vendor or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials

with which such articles are so partly made or stuffed, and making the violation of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 137—An Act to add a new section to the Penal Code, to be numbered section six hundred and twenty-eight, to prevent the catching of surf-fish, yellow-fin or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.

Also: Senate Bill No. 768—An Act to regulate the production and sale of certified milk.

Also: Senate Bill No. 956—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 398b, providing that any principal, teacher, employee, or school officer of any elementary or secondary school who refuses to use the text books prescribed by the proper authority for use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplemental book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor.

Also: Senate Bill No. 559—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.

Also: Senate Bill No. 706—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

Also: Senate Bill No. 898—An Act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 1133—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishing and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian and German languages in connection with the English branches.

Also: Senate Bill No. 292—An Act to amend Section 1665 of the Political Code, relative to the course of study in public schools of the State of California.

Also: Senate Bill No. 96—An Act to add a new section to the Penal Code of California, relating to the desecration, mutilation, or improper use of the flag of the United States of America.

Also: Committee Substitute for Senate Bill No. 26—An Act to amend section sixteen of an Act entitled "An Act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907.

Also: Senate Bill No. 512—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 10b of said Act.

Also: Senate Bill No. 965—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as Section 3785a, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in giving notices, and relating to the redemption of such property, and also to the resale thereof.

Also: Senate Bill No. 268—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.

Also: Senate Bill No. 775—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner, and the salaries, duties and qualifications of his appointees.

Also: Senate Bill No. 721—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 585—An Act to amend Sections 654, 684, and 685 of the Political Code, relating to the Board of Examiners.

Also: Senate Bill No. 466—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

Also: Senate Bill No. 634—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Senate Bill No. 689—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the Controller's office, and the salaries paid to such employees.

Also: Senate Bill No. 330—An Act to amend Section 1557 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure, to be numbered 1580, providing for a procedure for the sale of property belonging to an estate.

Also: Senate Bill No. 925—An Act to appropriate money for the payment of the claim of George W. Bush.

Also: Senate Bill No. 944—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.

Also: Senate Bill No. 1078—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

Also: Senate Bill No. 1079—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

Also: Senate Bill No. 959—An Act to amend Section 4007 of the Political Code of the State of California, relating to the classification of counties.

Also: Senate Bill No. 977—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.

Also: Senate Bill No. 1250—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.

Also: Senate Bill No. 294—An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons, and providing penalties therefor; and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878, and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880.

Also: Senate Bill No. 803—An Act to amend the Political Code by adding thereto two new articles, to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, and 1751, and Article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school district and union high school districts, and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution"; and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.

Also: Senate Bill No. 222—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.

Also: Committee Substitute for Senate Bill No. 630—An Act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

Also: Senate Bill No. 763—An Act to amend Sections 628, 628a, 632¹/₂, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 485—An Act to provide for the issuance and sale of State bonds to create a fund for the improvement of San Francisco harbor by the construction by the Board of State Harbor Commissioners of wharves, piers, State railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation

thereto: to make an appropriation of one thousand dollars for the expense of printing said bonds: and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 725—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands: to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Also: Senate Bill No. 56—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others.

Also: Senate Bill No. 64—An Act to amend Section 626f of the Penal Code, relating to the protection of deer.

Also: Senate Bill No. 198—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Also: Senate Bill No. 1246—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators, and guardians to make leases of the real estate of decedents.

Also: Senate Bill No. 1245—An Act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and commissions, and reports of the Supreme and Appellate Courts.

Also: Senate Bill No. 1107—An Act to add a new section to the Political Code, to be numbered forty-two hundred and eighty-one *a*, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.

Also: Senate Bill No. 1243—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Also: Senate Bill No. 132—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.

Also: Senate Bill No. 982—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision: providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners: prescribing their duties, powers, and compensation: providing for a secretary, his powers and compensation: providing for the rental of offices for the use of the bureau and for traveling and office expenses: providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses: providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the Commissioner to the Attorney General, providing for involuntary liquidation by trustees, and proceedings in connection therewith: providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation: providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports: providing penalties for violations of law and orders of the Commissioners: providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also: Senate Bill No. 538—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an Act approved February 27, 1897, entitled "An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor."

Also: Senate Bill No. 342—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.

Also: Senate Bill No. 378—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

Also: Senate Bill No. 958—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one-half class.

Also: Senate Bill No. 344—An Act to amend sections one and three of an Act entitled "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

Also: Senate Bill No. 271—An Act to authorize the Controller of State to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor.

Also: Senate Bill No. 967—An Act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of State lands.

Also: Senate Bill No. 590—An Act to amend Section 425 of the Political Code of the State of California.

Also: Senate Bill No. 756—An Act to amend section seven hundred and fifty-one of the Political Code, relating to deputies of the Clerk of the Supreme Court.

Also: Senate Bill No. 917—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

Also: Senate Bill No. 1207—An Act providing for the government of consolidated swamp land, levy, or reclamation districts.

Also: Senate Bill No. 1060—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

Also: Senate Bill No. 924—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State.

Also: Senate Bill No. 623—An Act to amend Section 607c of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

Also: Senate Bill No. 1141—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

Also: Senate Bill No. 1140—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.

Also: Senate Bill No. 1142—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five a, relating to notices to be given of petitions to set aside exempt property for the use of the family.

J. N. GILLET,.

Governor of the State of California.

Message read, and ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 22, 1909.

To the Senate of the State of California:

I herewith return Senate Bill No. 232—An Act to amend section six hundred and forty-four of the Penal Code, relating to enticing seamen to desert their vessels—for the following reasons:

This bill repeals section six hundred and forty-four of the Penal Code, which makes it a misdemeanor to entice a sailor to desert his ship. A similar bill was vetoed at the last session of the Legislature. Section 4601 of the Revised Statutes of the United States, which made it a misdemeanor to harbor or secrete a sailor who had deserted his ship, was repealed by an Act of Congress in the year 1898. A similar law covered by Section 645 of the Penal Code of this State was repealed at the last session of the Legislature.

The reason for repealing these two laws, State and Federal, was because by amendments to the shipping laws of Congress desertion was no longer an offense, therefore it could not be a crime to harbor a person who had the right to desert and leave his ship. But this reason does not obtain as far as section six hundred and forty-four is concerned. The purpose of this section is to protect shipping and commerce and prevent a stranger, or any other person, from unlawfully going upon a ship or otherwise, and by means of promises, persuasion, or threats of violence, induce or entice sailors to desert, thereby depriving the ship of a crew and delaying its voyage. All nations have enacted laws to protect their shipping interests and to promote their commerce, and their vessels visit all ports of the world in carrying on this commerce.

The laws require that vessels must be seaworthy and must carry a sufficient crew of sailors to insure its safety and complete its voyage, and no ship is permitted to proceed to sea without such a crew. It is important that these ships should make their voyages without unnecessary delay, and without unlawful interference, and this furnishes, to a large extent, the reason for the enactment into law of said section six hundred and forty-four, which Senate Bill No. 232 seeks to repeal.

Sailors may be enticed to desert a ship which is ready for sea by promises made or inducements held out by rival companies who desire to prevent or interfere with a ship carrying out its charter party, or by some organization which is engaged in some industrial controversy with the charterers of the ship, and is endeavoring to prevent its voyage until the ship yields to its proposed terms.

In the past many wrongful acts have been committed in every port of this State

in enticing or forcing sailors to desert or leave the ship upon which they were employed, and from which shipping has greatly suffered. In Humboldt Bay, to my own knowledge, ships have been, in the past, many times detained in their voyages because their crews have left through enticement or fear of personal injuries. New crews were engaged in San Francisco and upon their arrival were met by a committee whose members were unknown to them, and if they could not be persuaded to leave the ship violence was frequently used, and in doing so sailors were stabbed in their bunks, beaten on the streets of Eureka, and some were bound hand and foot, gagged and thrown in the bay. These men were satisfied with the articles signed and the wages paid them, and could not be induced or enticed to leave the ship. Many, however, left because of their fear of personal violence and of threats made. This condition has existed in every part of the State, and is likely to arise at any time. Section six hundred and forty-four of the Penal Code offers some relief, and in some degree can prevent these acts from being perpetrated. It is in the interest of shipping and commerce, and affords some protection to those who desire to go to sea from those who wish to prevent them, as well as to the shipowners.

The law, therefore, for the foregoing reasons should be strengthened rather than repealed.

J. N. GILLETT,

Governor of the State of California.

Message read.

The question being: "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, four o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Birdsell, Boynton, Cullen, Finn, Holohan, Leavitt, Lewis, Martinelli, Price, Reilly, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Weed, and Wolfe—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and thirty minutes P. M., Senators Bills, Roseberry, Estudillo, and Welch were brought to the bar of the Senate, and, on motion of Senator Price, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and thirty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

SENATOR EXCUSED FROM VOTING.

Senator Wolfe asked for, and was granted, unanimous consent to be excused from voting on the question of sustaining the Governor's veto to Senate Bill No. 232.

Whereupon the President declared that the Governor's veto to Senate Bill No. 232 was sustained by the following vote:

AYES—Senators Caminetti, Finn, and Reilly—3.

NOES—Senators Bates, Bell, Bills, Birdsell, Boynton, Burnett, Cullen, Estudillo, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, and Weed—20.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 22, 1909.

To the Honorable Senate of the State of California:

I have the honor to return herewith Senate Bill No. 703—An Act to add a new section to the Penal Code of the State of California, to be numbered 489a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter—without my approval for the following reason:

This bill provides that any person who, with intent to injure or defraud, shall have in his possession a machine, appliance, contrivance, or device of any character used or intended to be used to prevent a gas or electric meter from correctly registering the gas or electricity passing through it, or to convey or transmit around or past such meter any gas or electricity that should pass through such meter, is guilty of a misdemeanor.

This bill is substantially covered, so far as gas is concerned, by the provisions of Senate Bill No. 704, which I have approved. The only material difference is that under the Act returned herewith, it is provided that no person shall have in his possession a machine intended to be used to prevent a meter from correctly registering the gas or electricity passing through it, or to convey or transmit around or past said meter, any gas or electricity that should pass through such meter.

I do not think that this is one of the class of cases which should make the possession of implements of this kind punishable by fine and imprisonment. It is the use of these things that is sought to be suppressed and not the mere possession, and in my opinion a law of this character should not be enacted which would make the possession of such appliances a criminal offense.

J. N. GILLET, T.

Governor of the State of California.

Message read.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 703 sustained by the following vote:

AYES—None.

NOES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Cullen, Estudillo, Finn, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Strobbridge, Thompson, Weed, Wolfe, and Wright—22.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 22, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 919—An Act to add to the Penal Code of the State of California a new section, to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

J. N. GILLET, T.

Governor of the State of California.

Message read, and ordered printed in the Journal.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendment No. 2 to Senate Concurrent Resolution No. 22, and has appointed the following Committee on Conference: Messrs. Beardslee, Johnson of Sacramento, and Transue, and respectfully request your honorable body to appoint a like committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Leavitt, Finn, and Holohan a Committee on Conference on Senate Concurrent Resolution No. 22, to meet with a like committee from the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1102—An Act to amend Section 4290 of the Political Code of the State of California, relating to the salaries and fees of county officers.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1102 ordered to enrollment.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Senator Price, the President pro tem. declared the Senate at recess until five o'clock and five minutes P. M.

RECONVENED.

At five o'clock and five minutes P. M. the Senate reconvened.
Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Senate Concurrent Resolution No. 22—Relative to the hour of adjournment—report that we have met a like committee of the Assembly, consisting of Assemblymen Beardslee, Transue, and Johnson of Sacramento, and we report that the Conference Committee can not agree, and request that the Senate appoint a Committee on Free Conference.

LEAVITT.

FINN.

HOLOHAN.

Committee on Conference.

Report read and adopted.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The President pro tem. announced that he had appointed Senators Leavitt, Finn, and Holohan as a committee on free conference on Senate Concurrent Resolution No. 22, to meet with a like committee from the Assembly.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Concurrent Resolution No. 22—Relative to adjournment—report that we have met a like committee of the Assembly, consisting of Assemblymen Beardslee, Transue, and Johnson of Sacramento, and we report that the Free Conference Committee agreed upon and recommended that the words "after twelve o'clock meridian on Tuesday, March 23, 1909," be stricken out, and there be inserted in lieu thereof the words "after six o'clock and thirty minutes P. M. on Tuesday, March 23, 1909."

LEAVITT.

FINN.

HOLOHAN.

Committee on Free Conference.

Report read and adopted.

MESSAGE FROM THE ASSEMBLY - (OUT OF ORDER).

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Free Conference Committee on Senate Concurrent Resolution No. 22 Relative to adjournment *sine die*.

CLO LLOYD, Chief Clerk of the Assembly.

By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolution No. 22 ordered to enrollment.

BILLS RECALLED FROM COMMITTEE.

On motion of Senator Price, Assembly Bills Nos. 1436 and 1439 were ordered recalled from the Committee on Finance.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Also: Assembly Bill No. 1439—An Act appropriating money to pay the claim of the Palm Iron Works against the State of California.

Have had the same under consideration, and respectfully report the same back, as per instructions.

LEAVITT, Chairman.

Assembly Bills Nos. 1436 and 1439 ordered on file for second reading.

CASE OF URGENCY.

Assembly Bill No. 1436—An Act appropriating money to pay the claim of the Russell-Vail Engineering Company against the State of California.

Made case of urgency on previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called.

SENATOR EXCUSED FROM VOTING.

Senator Leavitt asked for, and was granted, unanimous consent to be excused from voting on Assembly Bill No. 1436.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Price moved a call of the Senate.

Motion carried.

Time, five o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bates, Bell, Birdsall, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Sanford, Savage, Strobridge, Thompson, Weed, Welch, Wolfe, and Wright—24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and twenty minutes P. M., Senators Willis, Boynton, and Hurd were brought to the bar of the Senate, and, on motion of Senator Price, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Price.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 1436 was refused final passage by the following vote:

AYES—Senators Bates, Finn, Hare, Lewis, Martinelli, Price, Sanford, Savage, Wood, Welch, Wolfe, and Wright—12.

NOES—Senators Bell, Birdsall, Caminetti, Cullen, Estudillo, Holohan, Roseberry, Rush, Strobridge, and Thompson—10.

Assembly Bill No. 1436 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

By Senator Strobridge:

Resolved, That J. W. Kavanagh, Assistant Secretary of the Senate, be, and he is hereby, authorized and directed to procure immediately after the adjournment of this thirty-eighth session of the Legislature the rules of the legislatures of the several states of the United States, and the rules of Congress regarding printing, and to compare the same with the rules of this Senate, and to prepare and compile a draft of rules for submission to the Senate at the opening of the thirty-ninth session of the California Legislature, with a view to reducing the cost of legislative printing, and of securing greater expedition in the transaction of the business of the Senate, and that on the completion of such work the draft of such proposed rules shall be filed with the Secretary of the Senate, and upon his receipt thereof being presented to the Controller, said Controller is hereby directed to draw his warrant in favor of the above-named person for the sum of three hundred dollars to pay for the expense of preparing said rules, said warrant to be payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Report and resolution read.

The question being upon the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Cullen, Estudillo, Finn, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobridge, Thompson, Wood, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller of the State be, and he is hereby, directed to draw his warrants, and the Treasurer of the State is directed to pay the same out of the contingent fund of the Senate, in favor of R. D. Barton, assistant at the desk, for

the sum of \$100.00; H. P. Travers, Assistant Secretary, for the sum of \$100.00; F. C. Pollard, for the sum of \$100.00; Samuel Wacholder, for the sum of \$100.00, and W. N. Cuming, for the sum of \$100.00, for necessary work to be performed by them in completing the records of the Senate, and preparing the same for delivery as required by law, and performing other necessary services in bringing to a close the work of their department.

Also:

Resolved, That J. W. Harper, History Clerk, be, and he is hereby, instructed to complete the final history of the Senate, and the sum of one hundred dollars is hereby appropriated out of the contingent fund of the Senate to pay him for said services, and the State Controller is directed to draw his warrant for the same, and the State Treasurer is directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Burnett, Caminetti, Cutten, Estudillo, Hare, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Thompson, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

By Senator McCartney:

Resolved, That M. Leonard be, and he is hereby, directed to remain after the close of the session and perform services at the direction of the Secretary, and in payment thereof the Controller is directed to draw his warrant, payable out of the contingent fund of the Senate, in favor of said M. Leonard, in the sum of \$140, and the Controller is directed to pay the same.

By Senator Thompson:

Resolved, That the Controller of the State is hereby directed to draw his warrants and the Treasurer of the State, to pay the same out of the contingent fund of the Senate, in favor of W. H. Wright, Minute Clerk of the Senate, and Sam E. Redmond, Assistant Minute Clerk of the Senate, each for the sum of fifty dollars (\$50.00), for remaining after the final adjournment of the Senate as long as may be necessary to properly correct the original copies of the minutes of the Journals, and deliver them to the Secretary of State, who will certify to the reception of the same.

By Senator Price:

Resolved, That Henry W. Fick be, and he is hereby, directed to assist the Secretary of the Senate in performing that certain work heretofore authorized by the Senate to be performed after the adjournment of the thirty-eighth session of the Legislature, and in payment therefor the Controller is directed to draw his warrant in favor of said Henry W. Fick, in the sum of \$200.00, payable out of the contingent fund of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Cutten, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Thompson, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced:

By Senator Estudillo:

Resolved, That Assembly Bill No. 1451 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is

herely dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bell, Birdsall, Boynton, Burnett, Caminetti, Cullen, Estudillo, Finn, Hare, Price, Roseberry, Savage, Thompson, Welch, Willis, Wolfe, and Wright—17.

NOES—Senators Bates, Holohan, Leavitt, Lewis, Martinelli, and Weed—6.

CONSIDERATION OF BILL—OUT OF ORDER.

Senator Cullen asked for, and was granted, unanimous consent to have Assembly Bill No. 436 taken up for consideration out of order.

Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section five of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 436 refused final passage by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Burnett, Caminetti, Cullen, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Welch, Willis, and Wolfe—19.

NOES—Senators Thompson, Weed, and Wright—3.

Bill ordered transmitted to the Assembly.

RESOLUTION—OUT OF ORDER.

The following resolution was offered out of order:

By Senator Boynton:

Resolved, That Assembly Bill No. 638 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Caminetti, Cullen, Estudillo, Hare, Holohan, Lewis, Martinelli, Price, Thompson, and Wolfe—14.

NOES—Senators Burnett, Finn, Leavitt, Roseberry, Weed, and Willis—6.

UNFINISHED BUSINESS.

The question being: "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 37?"

Strike out of line 14, page 1, of the printed bill, the words "the Governor shall appoint", and insert in lieu thereof the following: "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education, there shall be appointed four additional members of the State Board of Education, as follows:"

Also:

Strike out of lines 21 and 22, page 2, of the printed bill, the comma after the word "county" and the words "as members of the State Board of Education", and insert in lieu thereof a period after the word "county".

Also:

Strike out of line 30, page 2, of the printed bill, the words "by the Governor", and insert in lieu thereof the following: "by the affirmative vote of the Governor, the Superintendent of Public Instruction, and at least two of the other ex officio members of the State Board of Education."

Also:

In line 15, of page 2, of printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Also:

In line 32, on page 2, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Also:

In line 14, of the printed bill, strike out all the line commencing with the word "by", and strike out all of lines 15 and 16, and substitute in lieu thereof the following: "by a majority vote of the said ex officio members, one of which majority shall be the Governor".

Also:

In lines 31, 32, and 33, of the printed bill, omit all included by the brackets, and substitute in lieu thereof the following: "by a majority vote of the ex officio members of the board, including the Governor".

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Constitutional Amendment No. 37 by the following vote:

AYES—Senators Bates, Birdsall, Boynton, Burnett, Caminetti, Catten, Estudillo, Finn, Hare, Holohan, Leavitt, Lewis, Martinelli, Price, Roseberry, Thompson, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Constitutional Amendment No. 37 ordered transmitted to the Assembly.

RECESS.

At five o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied passage to Senate Bill No. 732—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day postponed action indefinitely upon Senate Bill No. 939—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.

And: Denied passage to Senate Bill No. 253—An Act to amend Section 1474 of the Code of Civil Procedure.

Also: Senate Bill No. 733—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees, and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly amendments to Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Bill No. 1199 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of the Governor from the State.

Also: Senate Concurrent Resolution No. 21—Relative to leaves of absence to certain Senators.

Also: Senate Concurrent Resolution No. 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms.

Also: Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

Also: Senate Joint Resolution No. 22—Relative to a proposed Federal collateral inheritance tax.

Also: Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, and 17.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

Senate Concurrent Resolutions Nos. 20, 21, and 18 ordered to enrollment.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11 and 17 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied passage to Senate Bill No. 913—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

ADJOURNMENT.

At eight o'clock and forty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 24, 1909.)

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Birdsall, Boynton, Caminetti, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobbridge, Thompson, Welch, Wolfe, and Wright. 25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. Father Henry H. Wyman.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 23, 1909, the further reading was dispensed with, on motion of Senator Wright.

LIEUTENANT-GOVERNOR WARREN R. PORTER IN THE CHAIR.

At ten o'clock and twenty minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

APPROVAL OF THE JOURNALS.

The Journals of Thursday, March 18, Friday, March 19, Saturday, March 20, Monday, March 22, and Tuesday, March 23, 1909, having been corrected, were read and approved.

APPOINTMENTS.

The President of the Senate announced that in accordance with the provisions of Senate Concurrent Resolution No. 4 Relative to the Alaska-Yukon-Pacific Exposition he had appointed Senator Wright, Welch, Willis, Leavitt, Bills, Kennedy, and Curtin.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read :

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1909.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day denied passage to Senate Bill No. 58—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining debris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.

CLIO LLOYD, Chief Clerk of the Assembly.
By L. B. MALLORY, Assistant Clerk.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following reports of special committee were received and read :

ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 24, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 625—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, etc.," approved March 23, 1893, and all Acts amendatory thereof—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Gibbons, and Kehoe, and we report that the Conference Committee can not agree.

WRIGHT,
PRICE,
SANFORD,

Senate Committee on Conference.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1909.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 1170—An Act to amend Section 4235 of the Political Code of the State of California, rela-

ting to officers and salaries and fees of officers of counties of the sixth class—report that we have met a like committee of the Assembly, consisting of Assemblymen Beardslee, Cogswell, and Hays, and we report that the Conference Committee unanimously agreed upon and recommend that the Senate concur in Assembly amendments to Subdivisions 2 and 9, and respectfully request the Assembly to recede from all other amendments to the said Senate Bill No. 1170.

LEAVITT,
WRIGHT,
PRICE,

Senate Committee on Conference.

Report read.

The question being upon the adoption of the report.

The roll was called, and the report adopted and the amendments concurred in by the following vote:

AYES—Senators Bates, Bell, Birdsall, Boynton, Caminetti, Catten, Estudillo, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobridge, Welch, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 1170 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 24, 1909.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of Dayton W. Montgomery, M.D., for the sum of \$400.00 for professional services performed as per resolution of March 20, 1909, and the Treasurer is directed to pay said warrant.

Also:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant in favor of the Secretary of the Senate, payable out of the contingent fund of the Senate, in the sum of \$63.90 in payment of the bill hereto attached.

H. S. Crocker Co. \$63 90

Also:

Resolved, That the Controller be, and he is hereby, authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate, for the sum of \$129.52, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

Wells, Fargo & Co.	\$55 77
J. L. Martin, incidentals.	17 50
John Breuner Company.	1 25
Whiskey Hill Water Company.	30 00
Kane & Trainor Ice Company.	20 00
H. S. Crocker Company.	5 00

\$129 52

Also:

Resolved, That the Controller be, and he is, authorized and directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of \$56.85, for mileage, telegrams, hack hire, and hotel expenses on trip to Palo Alto, with subpoena for Senator Black, and the Treasurer is authorized and directed to pay the same.

Also:

Resolved, That the Controller of the State be, and he is hereby, directed to draw his warrants, and the Treasurer of the State is directed to pay the same, out of the contingent fund of the Senate, in favor of J. F. R. Arellanes, Assistant Minute Clerk, for the sum of \$50.00, for necessary work to be performed by him in completing the records of the Senate, and aiding in preparing the same, for delivery as required by law, and performing other necessary services in bringing to a close the work of the department.

Also:

Resolved, That the Controller of the State is hereby directed to draw his warrants, and the Treasurer of the State to pay the same, out of the contingent fund of the Senate, in favor of Charles R. Detrick, Journal Clerk of the Senate, and C. F. Galbreath, J. F. Nash, and W. R. Byrne, Assistant Journal Clerks of the Senate, each for the sum of fifty dollars (\$50.00), for remaining after the final adjournment of the Senate

as long as may be necessary to properly correct the copies of the Journals and deliver them to the Secretary of State, who will certify to the reception of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Report and resolutions read.

The question being upon the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bates, Bell, Bills, Birdsell, Catten, Estudillo, Finn, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Savage, Strabridge, Welch, Willis, Wolfe, and Wright 23.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

WHEREAS, The Native Sons of the Golden West affiliated with subordinate parlors of the order established in El Dorado County in this State, are about to take steps toward the founding of a Native Sons' Home at Coloma in view of the site where gold was discovered at Sutter's sawmill, by James W. Marshall, and on lands adjacent to those donated to the State by Placerville Parlor No. 9, N. S. G. W., on which Marshall's home and the monument erected by the State to his memory, are situated;

WHEREAS, It is fitting that for all coming time the last resting place of the discoverer of gold in California, and the site where the discovery was made, an event that marked the beginning of a new epoch in history, shall be guarded as proposed by the descendants of the pioneers of California; and

WHEREAS, In line with this work of remembrance steps should be taken to secure and preserve the names of all pioneers of the State, and of the marking, by suitable monuments, of the old emigrant road across the Sierras; therefore, be it

Resolved by the Senate of California, That we welcome the announcement of the founding of such a Native Sons' Home, and express congratulations thereon to the Native Sons of the Golden West.

Be it further resolved, That the Secretary of State report to the next session of the Legislature the cost of securing a roster of California pioneers and also of the marking of the said roads.

Be it further resolved, That the Secretary of the Senate transmit a copy of these resolutions to the Grand Parlor of Native Sons of the Golden West and to Placerville Parlor No. 9 and Georgetown Parlor No. 91 of that order.

Resolution read and adopted.

THE GOVERNOR OF THE STATE IN THE SENATE.

At eleven o'clock A. M. His Excellency Governor James N. Gillett appeared at the bar of the Senate.

The President of the Senate appointed Senators Martinelli, Price, and Hurd a committee to escort the Governor to a seat by the President of the Senate.

ADDRESS BY THE GOVERNOR.

At eleven o'clock and five minutes, the Governor briefly addressed the Senate.

LEAVE OF ABSENCE.

Senator Wright was, on his own motion, granted leave of absence for this day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 24, 1909.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 1244—An Act to amend the Political Code of the State of California by adding

thereto a new article to be designated and numbered Article IXa, of Chapter III, of Article III of Part III of said Code, relating to elementary and secondary schools—have had the same under consideration, and respectfully report the same back, and recommend that the Committee on Education report a measure at the next session on the lines of the bill herewith returned. Had the Assembly acted favorably on Committee Substitutes for Senate Bills 10, 1213, and 1214, granting aid to secondary schools, this committee would have asked the Senate for favorable consideration of Senate Bill No. 1244, as amended by the author in committee at this session.

THOMPSON, Acting Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 23, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that since my message of March 17, 1909, I have made the following appointments, and request your concurrence therein and consent thereto:

March 23, 1909, M. C. Chapman of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice W. W. Garthwaite, term expired.

March 23, 1909, W. E. Creed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice self, term expired.

March 23, 1909, Thomas Rickard, of Berkeley, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice J. W. Richards, term expired.

Respectfully,

J. N. GILLETT,
Governor of California.

Message read, and ordered printed in the Journal.

MOTION.

Senator Leavitt moved that the Senate proceed to act on the confirmation of the appointments of the Governor without referring the message to committee.

Motion carried.

The President put the question, "Will the Senate advise and consent to the appointment of M. C. Chapman, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice W. W. Garthwaite, term expired?"

The roll was called, with the following result:

AYES—Senators Bell, Bills, Birdsall, Boynton, Caminetti, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobbridge, Thompson, Willis, Wolfe, and Wright—24.

NOES—None.

Whereupon the President announced that the appointment of M. C. Chapman, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice W. W. Garthwaite, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. E. Creed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Bates, Bills, Birdsall, Boynton, Caminetti, Cutton, Estudillo, Hare, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Reily, Roseberry, Rush, Savage, Strobbridge, Thompson, Willis, and Wolfe—24.

NOES—None.

Whereupon the President announced that the appointment of W. E. Creed, of Oakland, a member of the Board of Directors of the Cali-

fornia Institution for the Deaf and Blind, vice self, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Thomas Rickard, of Berkeley, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice J. W. Richards, term expired?"

The roll was called, with the following result:

AYES—Senators Bates, Bell, Bills, Birdsall, Boynton, Caminetti, Catten, Estudillo, Hartman, Holohan, Hurd, Kennedy, Leavitt, Lewis, Martinelli, Price, Roseberry, Rush, Savage, Strobbridge, Thompson, Willis, and Wolfe—23.

NOES—None.

Whereupon the President announced that the appointment of Thomas Rickard, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice J. W. Richards, term expired, had been duly confirmed.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 23, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved:

Senate Bill No. 1191—An Act authorizing municipal corporations, counties, and cities and counties to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon.

Also: Senate Bill No. 1100—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

Also: Senate Bill No. 1155—An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

Also: Senate Bill No. 1138—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.

Also: Senate Bill No. 904—An Act to amend Sections 636, 636c, 626d, 626m, and 627b of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered Sections 626m and 626o, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 884—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.

Also: Senate Bill No. 821—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.

Also: Senate Bill 844—An Act to prevent persons from unlawfully using a union card.

Also: Senate Bill No. 820—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.

Also: Senate Bill No. 754—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Also: Senate Bill No. 741—An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration.

Also: Senate Bill No. 314—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

J. N. GILLETT, Governor.

Message read, and ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 24, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved:

Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

J. N. GILLETT, Governor.

Message read, and ordered printed in the Journal.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.
SACRAMENTO, March 24, 1909.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved:

Senate Bill No. 241—An Act to provide for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Senate Bill No. 964—An Act to add a new section to the Political Code of California, to be numbered 1622a, relating to apportionment of school funds.

Also: Senate Bill No. 842—An Act to amend Article I of Chapter I of Title VIII of Part III of the Political Code of the State of California, said title relating to property of the State, said chapter relating to the public lands, and said article relating to general provisions respecting public lands, by amending Sections 3398 and 3406 thereof, relating to location of lands in United States land offices, by adding a new section thereto to be known as Section 3406a, relating to bases for indemnity selections, by amending Section 3407, relating to the issuance of approvals and as hereby amended relating to certificates of purchase, by repealing Section 3410 thereof, relating to compensation of registers and receivers of United States land offices, and by adding five new sections thereto, to be known as Sections 3408a, 3408b, 3408c, 3408d and 3408e, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, withholding certain lands from sale and making the same bases for indemnity selections, providing a method for the sale at public auction of indemnity certificates or scrip, entitling the owner to have selected for him government lands in lieu thereof, making certain acts unlawful, providing penalties for the commission of such unlawful acts and all said sections relating to land grants made to the State by the United States and lands to be selected in lieu thereof.

J. N. GILLETT, Governor.

Message read, and ordered printed in the Journal.

RESOLUTION.

The following resolution was offered:

By Senator Welch:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Welch, Kennedy, and Caminetti a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

Resolved by the Senate, That the 5,000 copies of the report, testimony and proceedings of the Committee on Federal Relations, relative to the investigation of railroad and express rates and traffic conditions, ordered printed on yesterday, be printed by the Superintendent of State Printing and by him delivered to the Secretary of State for distribution.

Resolution read and adopted.

Also:

By Senator Wolfe:

Resolved, That when the Senate adjourn this day it do so in respect to the memory of Mr. John E. McElroy, lately deceased law partner of Senator Stetson.

Resolution read and adopted.

RESOLUTION.

The following resolution was offered:

By Senator Boynton:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn *sine die*, and ask if he has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Boynton, Cutten and Price a committee to notify the Governor that the Senate, thirty-eighth session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if he has any, before so adjourning.

Also:

By Senator Willis:

Resolved by the Senate of the State of California. That in the death of Assemblyman John J. Wyatt of Salinas City the people of California and the Legislature of California have sustained a distinct loss; and be it further

Resolved, That when we adjourn this thirty-eighth session of the Legislature of California, we do so with respect to the memory of the great abilities and good deeds of Assemblyman John J. Wyatt; be it further

Resolved, That a copy of this resolution be sent to the widow of the departed legislator.

Resolution read and adopted.

COMMUNICATION FROM THE ASSEMBLY.

An Assembly committee, Mr. Leeds chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

REPORT OF SPECIAL COMMITTEE.

Senators Welch, Kennedy and Caminetti, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

REPORT OF SENATE COMMITTEE.

Senator Boynton, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he had no further communication to present to the Senate.

APPOINTMENT OF COMMITTEE.

In accordance with Section 1195 of the Political Code, the President announced that he had appointed the following committee on Senate Constitutional Amendment No. 1: J. B. Curtin, H. S. G. McCartney, and C. W. Bell.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 24, 1909.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 816—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Senate Bill No. 334—An Act to create the office of State Dental Surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

Senate Bill No. 1174—An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby.

Senate Bill No. 1146—An Act to prevent the propagation of disease through contamination of the atmosphere by gases of fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Senate Bill No. 242—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Senate Bill No. 823—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army and Navy, and wives of such soldiers, sailors and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Senate Bill No. 978—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish and maintain ferries across such rivers or streams and to pay the expenses thereof.

Senate Bill No. 1247—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.

Senate Bill No. 108—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No. 161—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Senate Bill No. 214—An Act to provide for the appointment of a commission to carry out the work mentioned and provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905, and making an appropriation therefor.

Senate Bill No. 219—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

Senate Bill No. 446—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Senate Bill No. 447—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

Senate Bill No. 464—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for

the bay of San Diego of harbor improvements to consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.

Senate Bill No. 1030—An Act to amend Section 594 of the Political Code classifying insurance business and specifying required capital stock and available cash assets.

Senate Bill No. 1067—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol grounds, at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission, to be known as the Executive Mansion Commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission and also making an appropriation for the purposes of the Act.

Senate Bill No. 1068—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.

Senate Bill No. 1171—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

Senate Bill No. 1203—An Act appropriating the sum of three thousand dollars (\$3,000.00), for the purpose of repairing the greenhouse, walks and grounds of the State Capitol at Sacramento.

Senate Bill No. 1204—An Act providing for the selection of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.

Senate Bill No. 1240—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.

Senate Bill No. 1225—An Act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Senate Bill No. 999—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, requiring a deposit of money to accompany the application and providing for the filing of additional applications.

Senate Bill No. 1111—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.

Senate Bill No. 1112—An Act to amend section five hundred and thirteen of the Political Code of the State of California.

Senate Bill No. 1113—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.

Senate Bill No. 1114—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.

Senate Bill No. 1115—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.

Senate Bill No. 1116—An Act to amend section four hundred and seventeen of the Political Code of the State of California.

Senate Bill No. 1118—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.

Senate Bill No. 467—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Senate Bill No. 525—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and counties, and to provide penalties for the violation thereof.

Senate Bill No. 1009—An Act to provide for the creation of a Board of Parole Commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

Senate Bill No. 1173—An Act to amend Sections 4, 6, 8, 9, 10, 11, 12, 14, 16, and 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide for the continuance of proceedings and

actions for improvements under said act commenced prior to and pending at the time of the taking effect of this Act.

Senate Bill No. 1238—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

Senate Bill No. 605—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.

Senate Bill No. 606—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.

Senate Bill No. 608—An Act to amend section sixteen hundred and seventy-eight of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

Senate Bill No. 609—An Act to amend section four hundred and forty-two of the Code of Civil Procedure of California, relating to cross-complaints.

Senate Bill No. 610—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure, relating to the disposition of life estates or homesteads or community property in certain cases and joint tenancies.

Senate Bill No. 620—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

Senate Bill No. 622—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.

Senate Bill No. 859—An Act to amend section twelve hundred and sixty-five of the Civil Code of the State of California, relating to the tenure by which homestead is held.

Senate Bill No. 860—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

Senate Bill No. 861—An Act to amend Section 300a of the Civil Code of the State of California, relating to corporations.

Senate Bill No. 866—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.

Senate Bill No. 868—An Act to repeal Section 1392 of the Civil Code of the State of California.

Senate Bill No. 869—An Act to repeal Section 1393 of the Civil Code of the State of California.

Senate Bill No. 1110—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

Senate Bill No. 1117—An Act to amend section three hundred and ninety-seven of the Political Code of the State of California.

Senate Bill No. 1122—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Senate Bill No. 1177—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Senate Concurrent Resolution No. 16—Relative to the encouragement of the viticultural industry of the State of California.

Senate Bill No. 544—An Act making an appropriation of nine thousand dollars for the construction and installation of a tank at the Lick Observatory in the county of Santa Clara, for making photographic copies of the principal astronomical photographs at said observatory and for additional equipment for said observatory.

Senate Bill No. 624—An Act to define personal property brokers and regulate their charge and business.

Senate Bill No. 960—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

Senate Bill No. 961—An Act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

Senate Bill No. 1120—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

Senate Bill No. 618—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

Senate Bill No. 867—An Act to amend Section 1390 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.

Senate Bill No. 1232—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

Senate Bill No. 101—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Senate Bill No. 566—An Act to amend Sections 18 and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 11, 1893; all relating to commitments to, of paroles and discharges from, said school.

Senate Bill No. 658—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.

Senate Bill No. 997—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

Senate Bill No. 1091—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.

Senate Bill No. 1108—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

Senate Bill No. 1131—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 281½, relating to maintenance of protection districts.

Senate Bill No. 1148—An Act to provide for the formation, government and control of overflow districts.

Senate Bill No. 1212—An Act to amend Section 4187 of the Political Code of the State of California, relating to the duties of constables.

Senate Bill No. 1195—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.

Senate Bill No. 1242—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

Senate Bill No. 1252—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.

Senate Bill No. 1253—An Act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

Senate Bill No. 1254—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

Senate Bill No. 680—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen, and sixteen thereof.

Senate Bill No. 1144—An Act to add a new section to the Penal Code of California, to be known as Section 172a, relating to the selling, giving away, or exposing for sale any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

Senate Bill No. 374—An Act to regulate the work and hours of employees engaged in the occupation of cooks, waiters and waitresses in public eating houses and providing a penalty for violation thereof.

Senate Bill No. 973—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the notice of sale of property on execution.

Senate Bill No. 928—An Act to add a new section to the Code of Civil Procedure of California, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.

Senate Bill No. 1087—An Act to amend Section 4300*g* of the Political Code of the State of California, relating to witness fees.

Senate Bill No. 1241—An Act amending the Political Code of the State of California by adding thereto a new section to be known as Section 3443*a*, relating to the tide lands of the State and to the sale and purchase thereof.

Senate Bill No. 3—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.

Senate Bill No. 659—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

Senate Bill No. 660—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 1247, 1247*a*, 1247*b*, 1247*c*, 1247*d*, and 1247*e*, relating to a method for the preparation of records to be used on appeal from judgments, orders, or proceedings of the Superior Court to the Supreme Court or the District Courts of Appeal, in criminal cases.

Senate Bill No. 661—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

Senate Bill No. 663—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.

Senate Bill No. 664—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

Senate Bill No. 941—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.

Senate Bill No. 1102—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to the salaries and fees of county officers.

Senate Bill No. 1199—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.

Senate Concurrent Resolution No. 22—Relative to final adjournment.

Senate Concurrent Resolution No. 21—Relative to leaves of absence to certain senators.

Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of His Excellency Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Senate Concurrent Resolution No. 18—Relative to heating and ventilating plant of Senate and Assembly chambers and committee rooms, etc.

Senate Joint Resolution No. 19—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11, 17—Relative to Asiatic immigration.

Senate Joint Resolution No. 22—Relative to a proposed Federal collateral inheritance tax.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 24th day of March, 1909, at eleven o'clock A. M.

STROBRIDGE, Chairman.

APPROVAL OF MINUTES.

The minutes of Wednesday, March 24, 1909, were read and approved

VALEDICTORY BY THE PRESIDENT.

The President, in bidding farewell to the members of the Senate, spoke as follows:

Gentlemen of the Senate: I wish, in this closing hour of the session, to thank you, one and all, for the splendid cooperation which you have accorded me in the work which this body has now brought to an end. You have made my duty pleasant, and have shown to me always a courtesy which I shall never forget. The token of friendship which you have presented to me I appreciate as no words of mine can express. I shall cherish it dearly, and although it was not needed to keep forever in my memory the recollection of the days which we have spent here, it will serve to make that memory livelier and sweeter. Gentlemen, I wish you all good fortune, and though I may never return here, I hope that two years hence will see you all returned to continue in the service of the State.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., in accordance with the provisions of Senate Concurrent Resolution No. 22, Lieutenant-Governor Warren R. Porter, President of the Senate, declared the thirty-eighth session of the Senate of the State of California adjourned *sine die*.

WARREN R. PORTER,
President of the Senate.

EDWARD I. WOLFE,
President pro tem. of the Senate.

LEWIS A. HILBORN,
Secretary of the Senate.

W. H. WRIGHT,
Minute Clerk of the Senate.

CHARLES R. DETRICK,
Journal Clerk of the Senate.



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NOTE.—*The page numbers referred to under "Assembly action and reference" are to be found in the Journal of Proceedings of the Assembly.*

- 1—Leavitt—An Act making an appropriation to pay the expenses of electors of President and Vice-President of the United States of America.
Senate action and reference: pp. 44, 46, 49, 76, 288.
Assembly action and reference: pp. 56, 57.
- 2—Price—An Act to amend Section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the Legislature.
Senate action and reference: pp. 44, 46, 49, 76, 288.
Assembly action and reference: pp. 56, 57, 58.
- 3—Wright—An Act to provide for the direct nomination of candidates for public office, by electors, political parties, and organizations of electors without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties, and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections, providing for the organization of political parties and the promulgation of their platforms, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator.
Senate action and reference: pp. 51, 727, 766, 774, 847, 872, 1032, 1068, 1127, 1672, 1711, 1752, 1769, 1799, 1822, 1852, 1887, 1898, 1922, 1951, 1968, 1974, 2111, 2118.
Assembly action and reference: pp. 1111, 1317, 1319, 1379, 1381, 1384, 1446, 1447, 1855, 1857, 1866.
- 4—Bates —An Act to amend section one of an Act entitled "An Act requiring the wardens of the State Prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.
Senate action and reference: p. 51.
Assembly action and reference: p. 1914.
- 5—Walker—An Act to amend an act entitled "An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act."
Senate action and reference: p. 51.
- 6—Bills—An Act transferring money from the general fund to the state printing fund to defray the expenses of legislative printing for the thirty-eighth session of the legislature and directing the State Controller and State Treasurer to make such transfer.
Senate action and reference: pp. 51, 118, 130, 198, 220, 288.
Assembly action and reference: pp. 136, 179, 180, 387.
- 7—Birdsall—An Act to provide for the survey, location and construction of a state highway from Sattley, Sierra County, to Marysville, Yuba County, and to make an appropriation therefor.
Senate action and reference: pp. 51, 132.
- 8—Black—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.
Senate action and reference: pp. 51, 112, 202, 231, 297, 359, 362, 371, 561, 653, 655, 984.
Assembly action and reference: pp. 393, 394, 441, 484, 504, 505, 746, 749.

- 9—Boynton—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.
Senate action and reference: pp. 51, 179, 228, 238, 275, 292, 328, 1047, 1112, 1494.
Assembly action and reference: pp. 321, 322, 459, 533, 772, 799, 926, 959.
- 10—Caminefti—An Act relating to high schools and providing for their support by the State of California.
Senate action and reference: pp. 52, 1062, 1306, 1438, 1470.
Assembly action and reference: pp. 1527, 1605.
- 11—Campbell—An Act prescribing the powers and duties of the Board of Railroad Commissioners, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor.
Senate action and reference: pp. 52, 177, 178, 755, 756.
- 12—Price—An Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.
Senate action and reference: pp. 52, 238, 288, 340, 375, 376, 410, 434, 500, 514, 515, 560, 561, 576, 1732, 1734, 1869.
Assembly action and reference: pp. 537, 538, 1297, 1367, 1484, 1485, 1582, 1609, 1918, 1923, 1925.
- 13—Sanford—An Act to regulate railroad passenger rates.
Senate action and reference: pp. 52, 178, 756.
- 14—Cuttin—An Act to regulate the assessment of migratory live stock, and to provide for an equitable distribution of the taxes derived therefrom, and to prohibit any other taxes thereon.
Senate action and reference: pp. 52, 448.
- 15—Finn—An Act to amend Section 607, of the Civil Code of the State of California, relating to societies for the prevention of cruelty to children and animals.
Senate action and reference: pp. 52, 219, 300, 301, 360, 362, 374, 744, 745, 821, 824, 984.
Assembly action and reference: pp. 393, 394, 565, 615, 669.
- 16—Holohan—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a State Board of Forestry, and the appointment of a State Forester and relating to their duties and term of office.
Senate action and reference: pp. 52, 441.
- 17—Hurd—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending sections 12 and 13.
Senate action and reference: pp. 53, 574, 721, 808, 823, 824, 1064, 1136, 1142, 1714, 1715, 1866.
Assembly action and reference: pp. 1152, 1264, 1484, 1524, 1525.
- 18—Leavitt—An Act to define and regulate the business of banking.
Senate action and reference: pp. 53, 316, 317, 318, 319, 320, 321, 322, 353, 354, 409, 780, 781, 1399, 1797.
Assembly action and reference: pp. 415, 421, 432, 519, 583, 770.
- 19—Lewis—An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.
Senate action and reference: pp. 53, 285, 286, 986, 987, 1280, 1327, 1328, 1404.
Assembly action and reference: pp. 1394, 1396.

- 20—Martinelli—An Act to prohibit bookmaking, wagering, betting and selling of pools on any trial or contest of skill, speed or power of endurance of, by, or between men, animals, or machines or upon any chance, casualty or uncertain or contingent event, and to prohibit the maintaining of places wherein bookmaking or poolselling is carried on; and to provide the punishment for the violation thereof.
Senate action and reference: p. 53.
- 21—McCartney—An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts.
Senate action and reference: pp. 53, 440, 483, 484, 485, 486, 487, 488, 489, 490, 521, 555, 1044, 1045, 1057, 1058, 1084, 1157, 1494.
Assembly action and reference: pp. 536, 538, 784, 874, 960, 963, 984.
- 22—Price—An Act providing for the purchase by the State Board of Forestry of that certain tract of land in Sonoma County, California, commonly known as "Armstrong Woods," for park purposes, with power to manage such property, and making an appropriation to carry out the provisions of this act.
Senate action and reference: pp. 53, 238, 288, 567, 640, 718, 720, 722, 777, 861, 862, 1914, 1915, 1970.
Assembly action and reference: pp. 915, 916, 1074, 1504, 1604, 1605, 1788, 1924, 1925.
- 23—Reily—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1203½, relative to teamsters' lien on building and property.
Senate action and reference: p. 54.
- 24—Roseberry—An Act providing for a postal direct primary for the nomination of candidates for all elective offices in the State of California, including Presidential Electors, Congressmen, United States Senators, delegates to the county, district, state and national conventions, and prohibiting corrupt practices in such elections.
Senate action and reference: pp. 54, 752, 753, 764, 766, 919.
- 25—Rush—An Act repealing an Act approved March 11, 1907, and entitled "An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled 'An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1889, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount to such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation for sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.'"
Senate action and reference: pp. 54, 111, 112, 314, 349, 361, 362, 403, 404, 714, 716, 776, 1399.
Assembly action and reference: pp. 407, 408, 426, 523, 581, 613, 614, 747, 749.
- 26—Savage—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.
Senate action and reference: pp. 54, 790, 838, 839, 956, 1091, 1093, 1175, 1223, 1330, 1675, 1804, 2094.
Assembly action and reference: pp. 1348, 1349, 1388, 1451, 1479.

- 27—Stetson—An Act to repeal an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also to repeal an Act entitled, "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 18, 1880, and to provide for the organization of the Board of Railroad Commissioners, define its powers and duties, and the powers and duties of railroad and transportation companies, their officers, agents and employees, and to define offenses by shippers and railroad and transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses.
Senate action and reference: pp. 54, 177, 178, 440, 444, 445, 446, 496, 497, 498, 757, 1191, 1192, 1249, 1250, 1251, 1397, 1435, 1441, 1609.
- 28—Rush—An Act to provide for certain necessary improvements and repairs and to furnish certain necessary medical and surgical appliances for the hospital at the Veterans' Home of California, located at Yountville, Napa County, and making appropriation therefor.
Senate action and reference: pp. 55, 284.
- 29—Thompson—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto Title XX1, of Part IV, of Division First of said Act relating to and providing for the incorporation, organization, management, and cooperation of agricultural and horticultural non-profit cooperative associations.
Senate action and reference: pp. 55, 178, 226, 227, 252, 253, 274, 561, 653, 655, 981.
Assembly action and reference: pp. 283, 342, 380, 500.
- 30—Walker—An Act to add a new section to the Penal Code to be known as section three hundred and thirty seven a thereof, and relating to gambling by poolselling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.
Senate action and reference: pp. 55, 176, 338, 375, 381, 434, 454, 514.
- 31—Welch—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to pay the cost of dredging said tidal basin; and constructing therein wharves, docks, piers and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to vote of the people.
Senate action and reference: p. 55.
- 32—Willis—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel right, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent coowners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.
Senate action and reference: pp. 55, 259, 305, 306, 360, 362, 398, 399, 430, 431, 476, 511, 512, 1232, 1559, 1728, 1977.
Assembly action and reference: pp. 509, 510, 963, 992, 1137, 1174, 1175.
- 33—Wolfe—An Act to establish the School of Trades of the State of California in the city and county of San Francisco, and providing for the selection, location, acquisition and purchase of a site or sites in the said city and county of San Francisco, for the erection, equipment and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of said School of Trades, and making an appropriation therefor.
Senate action and reference: pp. 783, 832, 951, 1090, 1093, 1226, 1793, 1794, 1901.
Assembly action and reference: pp. 1216, 1217, 1359, 1410, 1580, 1581, 1633, 1920, 1924, 1925.

- 34—Wolfe—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.
Senate action and reference: pp. 56, 286, 287, 336, 361, 362, 403, 433, 455, 513, 531, 532, 575, 625, 694, 765, 853, 938, 939, 1090, 1093, 1224, 1931, 1972.
Assembly action and reference: pp. 1216, 1217, 1457, 1600, 1784, 1798, 1828.
- 35—Willis—An Act to amend Section 862 of an Act entitled, "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.
Senate action and reference: pp. 56, 170, 196, 201, 212, 222, 247, 271, 272, 292, 328, 345, 564, 565, 653, 655, 874.
Assembly action and reference: pp. 344, 345, 455, 456, 503, 539.
- 36—Welch—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, for the purpose of creating an inland harbor in said city and county, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors, and appurtenances, in the city and county of San Francisco; to pay the cost of dredging said tidal basin; and constructing therein wharves, docks, piers, and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."
Senate action and reference: p. 56.
- 37—Walker—An Act to amend section two thousand one hundred and forty-one of the Political Code of the State of California, relating to the powers of the State Commission in Lunacy.
Senate action and reference: pp. 56, 754.
- 38—Thompson—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.
Senate action and reference: pp. 56, 783, 832, 918, 919, 1271, 1712, 1715, 1866.
Assembly action and reference: pp. 392, 1267, 1269, 1317, 1487, 1488, 1529, 1917, 1923, 1925.
- 39—Rush—An Act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California located in Yountville, Napa County, including a ward for the care and treatment of tuberculous patients.
Senate action and reference: pp. 56, 755, 1020, 1021, 1275, 1402, 1428, 1494, 1574.
- 40—Stetson—An Act to amend Sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.
Senate action and reference: pp. 51, 181, 229, 230, 252, 253, 294, 339, 345, 843, 845, 1034, 1133.
Assembly action and reference: pp. 344, 345, 702, 801, 868.
- 41—Savage—An Act declaring Friday, February 12, 1909, the one-hundredth birthday of Abraham Lincoln, a legal holiday and providing for a half-day session of the public schools for that day.
Senate action and reference: pp. 57, 131, 132, 158, 171, 288.
Assembly action and reference: pp. 141, 142.
- 42—Sanford—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.
Senate action and reference: p. 57.
- 43—Rush—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action and reference: pp. 57, 755, 1020, 1021, 1275, 1402, 1436, 1438, 1574.

- 44—Roseberry—An Act for the preservation of seals or sea lions in the waters of the Santa Barbara Channel, or on, about, or near any land adjacent thereto.
Senate action and reference: pp. 57, 169, 526, 597, 689, 858, 1294, 1560, 1727.
Assembly action and reference: pp. 914, 916, 1109, 1191, 1237.
- 45—Reilly—An Act amending Section 1856 of the Civil Code relative to lien of depositary of hire on property.
Senate action and reference: p. 57.
- 46—Price—An Act to amend section three hundred and sixty-four of the Political Code, relating to the Board of Examiners.
Senate action and reference: pp. 56, 169, 193, 200, 201, 210, 561, 653, 655, 984.
Assembly action and reference: pp. 220, 221, 384, 390, 455, 503.
- 47—McCartney—An Act providing for the sanitation of food producing establishments, places where food is stored or distributed; and vehicles in which food is placed for transportation; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places persons and things; declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this Act misdemeanors, and providing for the punishment of the same.
Senate action and reference: pp. 57, 163, 164, 174, 193, 213, 358, 394, 395, 440, 441, 452, 453, 496, 497, 509, 920, 921, 1077, 1494.
Assembly action and reference: pp. 508, 510, 564, 615, 763, 764, 866, 947.
- 48—Rush—An Act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.
Senate action and reference: pp. 58, 755, 924, 1275, 1326, 1328, 1402, 1640, 1641.
- 49—Lewis—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and the wiring and installation of a telephone system and all the necessary equipments thereof in said buildings, and to make appropriations therefor.
Senate action and reference: pp. 54, 284, 285.
- 50—Leavitt—An Act to amend section one hundred and three of the Code of Civil Procedure relating to justices' courts and justices of the peace.
Senate action and reference: pp. 58, 170, 196, 201, 212, 745, 746, 821, 824, 984.
Assembly action and reference: pp. 220, 221, 319, 380, 485, 531, 668.
- 51—McCartney—An Act to amend Section 6 of an Act entitled "An Act for preventing the manufacture, sale and transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.
Senate action and reference: pp. 58, 163, 164, 174, 213, 215, 216, 686, 820, 824, 984.
Assembly action and reference: pp. 221, 222, 370, 380, 500, 507, 531.
- 52—Anthony—An Act extending the scope of the determination upon the writ of review, or certiorari, and amending Section 1074 of the Code of Civil Procedure therefor.
Senate action and reference: p. 58.
- 53—Anthony—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.
Senate action and reference: p. 58.
- 54—Finn—An Act to amend section five of an Act entitled "An Act to amend sections four, five, six, ten, thirteen, and fourteen of an Act entitled 'An Act for the more effectual prevention of cruelty to animals,' approved March 20, 1874, and to add three new sections to said Act to be known as sections twenty, twenty-one, and twenty-two, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act," approved March 14, 1901.
Senate action and reference: pp. 58, 217, 298, 312, 313, 329, 330, 561, 653, 655, 873.
Assembly action and reference: pp. 321, 322, 403, 426, 456, 503.

- 55—Estudillo—An Act authorizing the filing of petitions praying for an election to vote upon the question whether territory described in such petition shall become or remain no-license territory; providing for the calling and holding of such election, the counting and canvassing of the votes polled thereat; making it the duty of the proper governing body to declare such territory to be no-license territory upon a majority of votes being cast in favor thereof, and to forbid the granting of licenses to sell alcoholic liquors therein; providing that upon such affirmative vote being given, no licenses, permits or other authority to keep or maintain a saloon, or to sell, give away, or distribute alcoholic liquors therein shall be granted, and forfeiting and declaring void all such licenses or permits theretofore issued and in force; and making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.
Senate action and reference: pp. 58, 656, 794, 847, 848, 915, 936, 937, 938, 1057, 1328, 1426, 1556; 1557, 1711, 1721, 1722, 1730.
- 56—Cutten—An Act to amend Section 536 of the Penal Code, relating to false statements by consignees and others, and to add a new section to the Penal Code, to be numbered Section 536a, imposing certain duties upon consignees and others.
Senate action and reference: pp. 59, 381, 459, 496, 497, 516, 517, 1793, 1794, 1901, 2096.
Assembly action and reference: pp. 509, 510, 1413, 1594, 1636.
- 57—Sanford—An Act entitled "An Act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation, or association to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the Secretary of State a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation, or association by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative agents or counsel from going upon the floor of the Legislature, providing penalties for the violation of this Act, with an emergency clause."
Senate action and reference: pp. 59, 218, 299, 313, 330, 331, 346.
- 58—Caminetti—An Act providing for the appointment of a consulting board to the Department of Engineering to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the retainment of mining débris, the construction of certain works necessary and incident to the retainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process, where the same can be done without injury to any other industry.
Senate action and reference: pp. 59, 204, 231, 238, 295, 329, 346, 370, 396, 428, 453, 509, 510, 530, 574, 624, 693, 735, 758, 821, 824, 852, 853, 935, 1033, 1055, 1123, 1124, 1178, 1316, 1317, 1339, 2107.
Assembly action and reference: pp. 1347, 1349, 1414, 1617, 1811, 1812.
- 59—Bills—An Act defining the powers, and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis, providing for requisitions and reports and making an appropriation therefor.
Senate action and reference: pp. 60, 342, 376, 377, 410, 456, 457, 477, 518, 559, 609, 738, 1132, 1133, 1256, 1760.
Assembly action and reference: pp. 752, 809, 875, 899, 972, 1074, 1076, 1092.
- 60—Bates—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.
Senate action and reference: pp. 60, 609.
- 61—Black—An Act to provide for a state highway from Saratoga Gap into the California Redwood Park, and to make an appropriation therefor.
Senate action and reference: pp. 60, 132.
- 62—Price—An Act authorizing and directing the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to make certain improvements, alterations, additions, and repairs upon the grounds of the said home, and making an appropriation therefor.
Senate action and reference: pp. 60, 284, 285.
- 63—Bills—An Act for the creation of a tuberculosis commission, providing for a secretary therefor, requiring reports to be made to the commission, and making an appropriation for necessary expenses.
Senate action and reference: pp. 60, 286, 287.

- 64—Birdsall—An Act to amend Section 626^f of the Penal Code, relating to the protection of deer.
Senate action and reference: pp. 60, 526, 598, 689, 859, 1676, 1783, 1826, 1903, 2096.
Assembly action and reference: pp. 914, 916, 1109, 1191, 1287, 1474, 1687.
- 65—Black—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to the admission to practice, without examination, of persons who shall have satisfactorily completed the three years' law course of the Department of Law of Leland Stanford Junior University.
Senate action and reference: pp. 60, 179, 229, 252, 253, 293, 714, 716, 776, 1134, 1177.
Assembly action and reference: pp. 296, 297, 459, 533, 611.
- 66—Price—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.
Senate action and reference: pp. 61, 285, 1020, 1021, 1278, 1438, 1641, 1642.
- 67—Caminetti—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.
Senate action and reference: pp. 61, 177, 178, 735, 786, 787, 804, 918, 919, 1146.
Assembly action and reference: pp. 1152, 1153, 1619.
- 68—Campbell—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries in civil actions.
Senate action and reference: pp. 67, 178, 179.
- 69—Catten—An Act to amend Section 1622 of the Political Code relating to State and county school moneys being used for the payment of teachers and superintendents of schools.
Senate action and reference: pp. 61, 341, 376, 410, 456, 515, 1236, 1559, 1728.
Assembly action and reference: pp. 509, 510, 782, 871, 872, 927, 989, 1136.
- 70—Estudillo—An Act to provide for the relief of indigent Union, Spanish-American, Philippine insurrection and Mexican war soldiers, sailors and marines and the families of those deceased or indigent, and to defray funeral expenses.
Senate action and reference: pp. 61, 163.
- 71—Stanford—An Act to prohibit alien ownership of lands in the State of California.
Senate action and reference: pp. 61, 279.
- 72—Savage—An Act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of this State, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.
Senate action and reference: p. 61.
- 73—Savage—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.
Senate action and reference: pp. 61, 260, 307, 313, 332, 344, 345, 1859.
- 74—McCartney—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make appropriation for the same.
Senate action and reference: pp. 62, 1428, 1429, 1528, 1598.
- 75—Leavitt—An Act making an appropriation to assist the State Board of Equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.
Senate action and reference: pp. 62, 521, 522.
- 76—Lewis—An act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.
Senate action and reference: pp. 62, 285, 1021, 1281, 1541, 1542, 1644.

- 77—Martinelli—An Act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.
Senate action and reference: pp. 62, 285, 1021, 1281, 1541, 1542, 1644, 454, 714, 716, 776, 984.
Assembly action and reference: pp. 427, 460, 533, 612.
- 78—McCartney—An Act to add a new section to the Code of Civil Procedure of the State of California to be numbered section sixty-seven *a*, relating to the number of superior court judges, and providing for the appointment of three additional superior court judges in and for counties of the second class (Los Angeles County), and providing for their compensation.
Senate action and reference: pp. 62, 169, 194, 237, 238, 246, 354, 419, 983.
Assembly action and reference: pp. 246, 289, 329.
- 79—Price—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.
Senate action and reference: pp. 62, 219.
- 80—Reilly—An Act to amend Section 2144 of the Civil Code, relative to carriers' lien on property.
Senate action and reference: p. 62.
- 81—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and construct an auditorium for the assemblage of patients at the Napa State Hospital, and to furnish and equip said building and making an appropriation therefor.
Senate action and reference: pp. 62, 754.
- 82—Sanford—An Act to provide for acquiring a right of way for deepening and widening the channel or outlet to Clear Lake, in Lake County, and making an appropriation therefor.
Senate action and reference: p. 63.
- 83—Savage—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4*a*, relating to the disincorporation and reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.
Senate action and reference: p. 63.
- 84—Rush—An act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.
Senate action and reference: pp. 63, 391, 986, 987, 1276, 1327, 1328, 1403, 1640, 1641.
- 85—Thompson—An Act to add a new section to the Political Code, to be numbered Section 4004*a*, relating to the making of contracts in behalf of counties.
Senate action and reference: pp. 63, 163, 173, 177, 193, 209, 252, 253, 271.
Assembly action and reference: pp. 273, 274, 624, 1579, 1913.
- 86—Price—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.
Senate action and reference: pp. 63, 286, 1500.
- 87—Welch—An act to amend Section 651 of the Penal Code of the State of California, regulating the employment and hours of labor of children, prohibiting the employment of illiterate minors, providing for the enforcement thereof by the Commissioner and the Bureau of Labor Statistics, and providing penalties for the violation thereof.
Senate action and reference: p. 63.
- 88—Willis—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.
Senate action and reference: pp. 63, 170, 196, 201, 212, 222, 247, 272, 292, 779, 852, 1034, 1493.
Assembly action and reference: pp. 296, 297, 361, 380, 501, 531, 532, 761, 914.

- 89—Leavitt—An Act to regulate the licensing, and defining the powers of detectives, patrolmen, and watchmen, within the boundaries of the State of California.
Senate action and reference: p. 64.
- 90—Leavitt—An Act to repeal Section 1121 of the Penal Code of the State of California.
Senate action and reference: p. 64.
- 91—Estudillo—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.
Senate action and reference: pp. 64, 420, 470.
Assembly action and reference: p. 1147.
- 92—Caminetti—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.
Senate action and reference: p. 64.
- 93—Price—An Act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.
Senate action and reference: pp. 64, 755.
- 94—Thompson—An Act to amend Section 1576 of the Political Code, relating to the formation of school districts, providing for the addition of territory thereto and the taxation thereof.
Senate action and reference: pp. 64, 260, 306, 313, 331, 715, 716, 776, 1133, 1134.
Assembly action and reference: pp. 322, 460, 533, 612.
- 95—Stetson—An Act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the Industrial Home of Mechanical Trades for the Adult Blind.
Senate action and reference: pp. 64, 624, 784, 833, 918, 919, 1272, 1712, 1715, 1866.
Assembly action and reference: pp. 1267, 1269, 1367, 1493, 1495, 1535, 1917, 1923, 1925.
- 96—Savage—An Act to prevent the desecration, mutilation, or improper use of the flag of the United States of America.
Senate action and reference: pp. 64, 259, 303, 304, 360, 362, 397, 1231, 1232, 1559, 2094.
Assembly action and reference: pp. 407, 408, 1029, 1099, 1139.
- 97—Sanford—An Act to amend Section 632 of the Penal Code, relating to the closed season for certain fish.
Senate action and reference: p. 64.
- 98—Stetson—An Act to repeal an Act entitled "An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane," approved March 23, 1901.
Senate action and reference: pp. 64, 219, 301, 313, 334, 346, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 344, 345, 907, 991, 1094.
- 99—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.
Senate action and reference: pp. 64, 754.
- 100—Roseberry—An Act to amend Section 1070 of the Political Code, relating to the number of peremptory challenges.
Senate action and reference: p. 65, 499, 549, 592, 594.
- 101—Savage—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.
Senate action and reference: pp. 65, 923, 924, 1274, 1326, 1328, 1357, 1988, 1989, 2117.
Assembly action and reference: pp. 1349, 1501, 1603, 1662, 1772, 1877, 1922, 1924, 1925.
- 102—Price—An Act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.
Senate action and reference: pp. 65, 219, 986, 987, 1278, 1327, 1328, 1474, 1793, 1794, 1901.
Assembly action and reference: pp. 1395, 1396, 1415, 1595, 1596, 1642, 1643, 1920, 1924, 1925.

- 103—McCartney—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation and assessment of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex officio officers of cities.
Senate action and reference: pp. 65, 282, 334, 361, 362, 402, 432, 455, 512, 513, 560, 561, 625, 693, 736, 759, 853, 1021, 1071, 1474.
Assembly action and reference: pp. 1394, 1396, 1456, 1771.
- 104—Martinelli—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.
Senate action and reference: pp. 65, 169, 194, 237, 238, 245, 274, 275, 291, 843, 845, 1034, 1493.
Assembly action and reference: pp. 296, 297, 702, 801, 868, 869.
- 105—Lewis—An Act to provide for the erection, equipping, and furnishing of two convalescent cottages, one for males and one for females, at the Stockton State Hospital Farm, and to make appropriations for the same.
Senate action and reference: pp. 65, 285, 286, 1020, 1021, 1281, 1438, 1644.
- 106—Leavitt—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.
Senate action and reference: pp. 65, 260, 261, 307, 313, 332, 333, 715, 777, 984.
Assembly action and reference: pp. 322, 422, 423, 484, 532, 610, 746, 749.
- 107—Hurd—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships.
Senate action and reference: pp. 65, 658.
- 108—Price—An Act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.
Senate action and reference: pp. 65, 574, 1020, 1021, 1278, 1438, 1489, 1960, 2114.
Assembly action and reference: pp. 1395, 1396, 1674, 1714, 1715, 1833, 1920, 1924, 1925.
- 109—Estudillo—An Act to amend Sections 3897 and 3898 of the Political Code, relating to the collection of taxes of the State and counties.
Senate action and reference: p. 66.
- 110—Cuttin—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.
Senate action and reference: pp. 66, 201, 230, 297, 312, 313, 329.
Assembly action and reference: pp. 321, 322, 702, 1913.
- 111—Curtin—An Act to add a new section to the Code of Civil Procedure, to be numbered 1724, relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.
Senate action and reference: pp. 66, 169, 194, 201, 211, 411, 474, 983.
Assembly action and reference: pp. 220, 221, 355, 379.
- 112—Caminetti—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.
Senate action and reference: pp. 66, 203, 204.
- 113—Caminetti—An Act appropriating money for a pressed brick machine for the Preston School of Industry.
Senate action and reference: pp. 66, 203, 204, 418, 468, 475, 476, 541, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 961, 989, 990, 1073, 1076, 1092.
- 114—Boynton—An Act regulating the furnishing and use of cars, for shipment of freight upon lines of railway operating within the State of California, requiring railway companies, persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, to furnish cars for shipment of freight upon written application from persons, firms or corporations having freight for shipment, and providing penalties and damages to be paid by persons, firms, corporations, receivers, trustees or lessees operating lines of railway within the State of California, by persons applying for and using cars for shipment of freight, who fail to load or unload cars so furnished within a reasonable time.
Senate action and reference: pp. 66, 177, 178.

- 115—Black—An Act to regulate the organization of fraternal insurance associations.
Senate action and reference: pp. 66, 500, 552, 655, 706, 856, 1023, 1492, 1688.
Assembly action and reference: pp. 982, 983, 1264, 1345, 1355.
- 116—Birdsall—An Act amending Section 6 of an Act entitled, "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration to make appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907.
Senate action and reference: pp. 66, 525, 526.
- 117—Black—An Act to amend Section 3617 of the Political Code, relating to the definition of terms and words.
Senate action and reference: p. 67.
- 118—McCartney—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 680a, prohibiting the corrupt influencing of agents, employees or servants, and providing a penalty for the violation thereof.
Senate action and reference: pp. 67, 381, 459, 496, 497, 516, 532, 576, 626, 695, 696, 714, 743.
- 119—Thompson—An Act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.
Senate action and reference: pp. 67, 203, 204.
- 120—Leavitt—An Act providing for a biennial appropriation in the general appropriation bill for the benefit of the Governor's residence and grounds.
Senate action and reference: pp. 67, 521, 522.
- 121—Curtin—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905, statutes of 1905, page 777, thereof.
Senate action and reference: pp. 67, 178, 227, 252, 253, 275, 561, 653, 655, 874.
Assembly action and reference: pp. 283, 361, 380, 500, 1495.
- 122—Curtin—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 2 thereof.
Senate action and reference: p. 67.
- 123—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital, and making an appropriation therefor.
Senate action and reference: pp. 67, 219, 985, 987, 1276, 1327, 1328, 1403, 1640, 1641.
- 124—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing systems at the Napa State Hospital, including the construction of a cement reservoir for distributing purposes, and making an appropriation therefor.
Senate action and reference: pp. 67, 754, 1020, 1021, 1275, 1402, 1436, 1438, 1640, 1641.
- 125—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.
Senate action and reference: pp. 68, 391, 986, 987, 1277, 1327, 1328, 1403, 1640.
- 126—Rush—An Act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital and to furnish and equip said building, and making an appropriation therefor.
Senate action and reference: pp. 68, 391, 1020, 1021, 1276, 1402, 1436, 1438, 1640, 1641.
- 127—Rush—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California on one or more of the public institutions of this State for the insane, and those who shall become disabled while in the service of the State of California in one or more of the public institutions of this State for the insane, and providing for the payment thereof.
Senate action and reference: p. 68.
- 128—Birdsall—An Act to provide a state highway from Meyers' Station to Tahoe City, and making an appropriation therefor.
Senate action and reference: pp. 68, 132.

- 129—McCartney—An Act to amend the Civil Code by adding thereto a new section, to be numbered 3496, authorizing boards of health and health officers summarily to abate nuisances dangerous to health; providing for the payment of the expense thereof; making the amount of such expense a lien on the property where such nuisance has been found; and providing for the recovery of such sums by foreclosure of such lien.
Senate action and reference: p. 68.
- 130—McCartney—An Act to amend Section 2979 of the Political Code, relating to the powers and duties of the State Board of Health.
Senate action and reference: pp. 68, 181, 230, 296, 359, 362, 371, 744, 745, 821, 824, 984.
Assembly action and reference: pp. 393, 394, 507, 534, 613, 669.
- 131—McCartney—An Act to amend Section 4225 of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.
Senate action and reference: pp. 68, 181, 230, 296, 359, 362, 371, 372, 373, 410, 453, 779, 982, 1399.
Assembly action and reference: pp. 427, 507, 534, 613, 762.
- 132—McCartney—An Act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two of the Political Code, relating to the State Board of Health.
Senate action and reference: pp. 68, 181, 230, 296, 359, 362, 925, 1021, 1071, 1222, 1223, 1369, 1423, 1793, 1794, 1901, 2096.
Assembly action and reference: pp. 1369, 1370, 1414, 1594, 1595, 1639.
- 133—McCartney—An Act to amend sections eleven hundred eighty-three, eleven hundred eighty-four, eleven hundred eighty-five, eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred ninety, eleven hundred ninety-two, and eleven hundred ninety-four of the Code of Civil Procedure of the State of California, and to add two new sections thereto to be numbered section "twelve hundred *a*," and section "twelve hundred three *b*," and to repeal section eleven hundred eighty-eight of said Code, all relating to mechanics' liens.
Senate action and reference: pp. 69, 749, 750, 751, 809, 917, 919, 1144, 1145, 1177, 1927, 1930, 1961, 1965, 1971.
Assembly action and reference: pp. 1267, 1269, 1387, 1698, 1812, 1813, 1821, 1828, 1841.
- 134—McCartney—An Act to add a new section to Chapter II, Title IV, Part III of the Code of Civil Procedure, to be numbered 1182, and providing an additional method of claiming liens.
Senate action and reference: p. 69.
- 135—McCartney—An Act to amend section six of an Act entitled "An Act to establish police courts in cities of first and one-half class, to fix their jurisdiction and provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.
Senate action and reference: pp. 69, 1340, 1485.
- 136—McCartney—An Act to amend Section 2289 of the Political Code, relating to institutions and children entitled to aid.
Senate action and reference: p. 69.
- 137—McCartney—An Act to add a new section to the Penal Code to be numbered Section 628c, to prevent the catching of surf-fish, yellow-fin or spot-fin croaker, and providing penalties therefor.
Senate action and reference: pp. 69, 526, 598, 689, 859, 1294, 1560, 2094.
Assembly action and reference: pp. 915, 916, 1109, 1190, 1236.
- 138—McCartney—An act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relative to cohabitation and adultery.
Senate action and reference: p. 69.
- 139—McCartney—An Act to appropriate the sum of \$10,000.00 to pay the claim of Harve O. Waterman.
Senate action and reference: p. 69.
- 140—McCartney—An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.
Senate action and reference: pp. 69, 499.
- 141—McCartney—An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases.
Senate action and reference: pp. 69, 499.
- 142—Thompson—An Act providing for an appropriation of \$20,000.00 for building two cottages on the grounds of the Whittier State School.
Senate action and reference: pp. 70, 203, 204.

- 143—Thompson—An Act providing for an appropriation of \$1,800.00 for the purchase of a cylinder printing press for Whittier State School.
Senate action and reference: pp. 70, 203, 204, 418, 468, 475, 476, 540, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 961, 989, 990, 1076, 1092.
- 144—Thompson—An Act providing for an appropriation of \$3,500.00 for the purchase of a Mergenthaler linotype and equipment for the Whittier State School.
Senate action and reference: pp. 70, 203, 204, 418, 468, 475, 476, 540, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 961, 989, 990, 1073, 1076, 1093.
- 145—Thompson—An Act providing for an appropriation of \$1,000.00 for the purchase of books and periodicals for the Whittier State School.
Senate action and reference: pp. 70, 204, 418, 468, 475, 476, 540.
Assembly action and reference: pp. 536, 538, 785, 1073, 1190, 1215, 1344, 1476, 1885, 1923, 1925.
- 146—Thompson—An Act providing for an appropriation of \$3,500.00 for repairs on the main building of the Whittier State School.
Senate action and reference: pp. 70, 204, 418, 468, 475, 476, 540, 1130, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 962, 990, 1073, 1076, 1093.
- 147—Thompson—An Act providing for an appropriation of \$5,000 for the erection of a manual training building on the grounds of the Whittier State School.
Senate action and reference: pp. 70, 204, 418, 468, 475, 476, 540, 541, 1236, 1237, 1559, 1729.
Assembly action and reference: pp. 536, 538, 785, 962, 990, 991, 1073, 1076, 1136.
- 148—Thompson—An Act providing for an appropriation of \$12,000 for building and equipping a hospital and receiving cottage for the Whittier State School.
Senate action and reference: pp. 70, 204.
- 149—Thompson—An Act providing for an appropriation of \$2,500.00 for the purchase of a boiler for the Whittier State School.
Senate action and reference: pp. 70, 204, 418, 468, 475, 476, 541, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 961, 989, 990, 1073, 1076, 1093.
- 150—Thompson—An act providing for an appropriation of \$5,000.00 for traveling expenses and salary of a parole officer for Whittier State School.
Senate action and reference: pp. 70, 204.
- 151—Thompson—An Act to amend Section 649 of the Civil Code, relating to the number of trustees of colleges.
Senate action and reference: pp. 70, 217, 298, 359, 362, 373, 396, 428, 454, 510.
- 152—Thompson—An Act to amend Section 317 of the Civil Code, relating to waiver of notice by stockholders or members of corporate meetings.
Senate action and reference: pp. 70, 258, 259, 303, 313, 331, 744, 745, 821, 824, 984.
Assembly action and reference: pp. 322, 565, 615, 670.
- 153—Thompson—An Act to amend Section 393 of the Civil Code, relating to the election of directors of corporations, and notice of stockholders' meetings held therefor.
Senate action and reference: pp. 70, 258, 259, 303, 313, 331, 744, 745, 821, 824.
Assembly action and reference: pp. 322, 565, 615, 670.
- 154—Martinelli—An Act to amend Section 1737 of the Code of Civil Procedure, relating to public administrators.
Senate action and reference: p. 71.
- 155—Lewis—An Act to amend Section 1181 of the Penal Code, relating to new trials in criminal cases.
Senate action and reference: p. 71.
- 156—Lewis—An act relating to creation of a firemen's relief, health, life insurance, and pension fund.
Senate action and reference: p. 71.
- 157—Savage—An Act to amend Section 172 of the Civil Code, relating to the management and control of community property.
Senate action and reference: p. 71.

- 158—Savage—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships.
Senate action and reference: p. 71.
- 159—Savage—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1892, by amending Section 330 thereof, relating to illegal gaming.
Senate action and reference: p. 71.
- 160—Black—An Act to establish a bird and arbor day.
Senate action and reference: pp. 71, 204, 231, 298, 312, 313, 329, 779, 780, 982, 1399.
Assembly action and reference: pp. 321, 322, 523, 614, 763.
- 161—Boynton—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.
Senate action and reference: pp. 71, 180, 925, 1290, 1438, 1648, 1960, 2114.
Assembly action and reference: pp. 1516, 1518, 1617, 1693, 1694, 1830, 1924, 1925.
- 162—Cutten—An Act amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section, to be designated as Section 1122.
Senate action and reference: p. 71.
- 163—Caminetti—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.
Senate action and reference: pp. 71, 204.
- 164—Caminetti—An Act appropriating money for the building and furnishing of four cottages at the Preston School of Industry.
Senate action and reference: pp. 71, 204, 448, 490, 522, 556, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 537, 538, 785, 961, 989, 990, 1072, 1094.
- 165—Caminetti—An Act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at Preston School of Industry.
Senate action and reference: pp. 71, 204.
- 166—Caminetti—An Act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe line for a clear water system.
Senate action and reference: pp. 72, 204, 1540, 1541, 1639, 1666, 1931, 1932, 1972.
Assembly action and reference: pp. 1521, 1604, 1605, 1791, 1828.
- 167—Caminetti—An Act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.
Senate action and reference: pp. 72, 204.
- 168—Caminetti—An Act appropriating money for the building and equipping of a hospital at the Preston School of Industry.
Senate action and reference: pp. 72, 204.
- 169—Caminetti—An Act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.
Senate action and reference: pp. 72, 204, 418, 468, 475, 476, 541, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 536, 538, 785, 961, 989, 990, 1073, 1076, 1093.
- 170—Boynton—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools, by changing the time for the election and organization of the boards of trustees of union high school districts.
Senate action and reference: p. 72.
- 171—Price—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.
Senate action and reference: pp. 76, 84, 85, 110, 131, 288.
Assembly action and reference: p. 106, 107.
- 172—Willis—An Act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton, called and known as "The congregate dining-room," and to make an appropriation for the same.
Senate action and reference: pp. 76, 285, 1020, 1021, 1270, 1397, 1400, 1639, 1640.

- 173—Willis—An Act to provide for the improvement of the roads, gutters, and curbs on the grounds of the Southern California State Hospital at Patton, and to make an appropriation for the same.
Senate action and reference: p. 77.
- 174—Willis—An Act providing for the enlarging and re-roofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.
Senate action and reference: p. 77.
- 175—Willis—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make an appropriation for the same.
Senate action and reference: pp. 77, 285, 1020, 1021, 1271, 1397, 1401, 1639, 1640.
- 176—Willis—An Act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make an appropriation for the same.
Senate action and reference: pp. 77, 408, 986, 987, 1270, 1326, 1328, 1400, 1639, 1640.
- 177—Willis—An Act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.
Senate action and reference: pp. 77, 219, 986, 987, 1270, 1326, 1328, 1400, 1639, 1640.
- 178—Willis—An Act to amend Section 15 of an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and to provide for the distribution of water for irrigation purposes," approved March 31, 1897.
Senate action and reference: pp. 77, 180, 229, 238, 293, 1506, 1507, 1723.
Assembly action and reference: pp. 296, 297, 974, 1099, 1449.
- 179—Willis—An Act to amend Sections 270, 270a, and 270b of the Penal Code of California.
Senate action and reference: pp. 77, 340, 375, 410, 434, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 415, 416, 907, 991, 1137.
- 180—Willis—An Act to amend Section 737 of the Political Code of California, relating to the salaries of superior judges.
Senate action and reference: pp. 77, 163, 178, 228, 295, 296, 359, 362, 370, 1236, 1237, 1559, 1728.
Assembly action and reference: pp. 393, 394, 907, 991, 1137.
- 181—Willis—An Act to amend Section 274 of the Code of Civil Procedure of California, relating to compensation of official reporters of the Superior Court, and providing an alternative manner of paying said compensation.
Senate action and reference: p. 77.
- 182—Willis—An Act to amend Section 648 of the Code of Civil Procedure, relating to bills of exceptions.
Senate action and reference: pp. 77, 413, 466, 476, 538.
Assembly action and reference: pp. 536, 538, 1913.
- 183—Willis—An Act to amend Sections 784, 788, and 789 of the Code of Civil Procedure, relating to actions for the partition of real property.
Senate action and reference: pp. 78, 500, 551, 654, 655, 706.
Assembly action and reference: pp. 628, 629, 1149, 1241, 1325, 1913.
- 184—Willis—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.
Senate action and reference: pp. 78, 659, 797, 830, 918, 919, 1146, 1614.
- 185—Miller—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.
Senate action and reference: pp. 78, 756, 777, 870, 985, 1064, 1065, 1136, 1223, 1312, 1675, 1676, 1726, 1868.
Assembly action and reference: pp. 1266, 1268, 1365, 1408, 1479.
- 186—Miller—An Act to amend Section 3494 of the Political Code of the State of California, relating to the price and terms of sale of school lands.
Senate action and reference: pp. 78, 170, 196, 238, 247.
Assembly action and reference: pp. 246, 1386, 1495, 1588, 1779.

- 187—Miller—An Act to amend Section 3817 of the Political Code of the State of California, relating to redemptions of lands sold the State of California for delinquent taxes.
Senate action and reference: pp. 78, 169, 195, 237, 238, 246, 275, 292, 715, 716, 777, 984.
Assembly action and reference: pp. 296, 297, 459, 533, 611.
- 188—Miller—An Act to amend Section 3788 of the Political Code of the State of California, relating to the sale and redemption of lands acquired under tax sales by the State of California.
Senate action and reference: pp. 78, 339.
- 189—Wolfe—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.
Senate action and reference: pp. 78, 315, 351, 356, 362.
- 190—Wolfe—An Act to amend an Act entitled "An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act," approved March 18, 1905.
Senate action and reference: pp. 78, 316.
- 191—Wolfe—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factory and workshops, and the preservation of the health of the employees," approved February 6, 1889.
Senate action and reference: pp. 78, 315, 351, 362, 433, 715, 716, 777, 984.
Assembly action and reference: pp. 415, 416, 429, 532, 611.
- 192—Wolfe—An Act to regulate and license the conducting and operating of employment agencies, and to provide a revenue therefrom, for the enforcement of the provisions of this Act and other Acts relating to employment agents and employment agencies.
Senate action and reference: pp. 79, 315, 351, 362, 433, 456, 514, 560, 561, 576, 626, 695, 1048, 1112, 1494.
Assembly action and reference: pp. 629, 781, 820, 926.
- 193—Wolfe—An Act to amend Section 8 of an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor and fixing the penalties thereof," approved February 12, 1903; approved March 18, 1905.
Senate action and reference: pp. 79, 315, 352, 361, 362, 433, 982, 1390.
Assembly action and reference: pp. 415, 416, 533, 611, 762.
- 194—Wolfe—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Senate action and reference: pp. 79, 501, 552, 592, 594, 628, 707, 737, 738, 777, 856, 1056, 1057, 1075, 1389, 1391, 1653, 1759.
Assembly action and reference: pp. 1031, 1032, 1203, 1244, 1291.
- 195—Wolfe—An Act to aid the enforcement of an Act entitled "An Act to enforce the educational rights of children," approved March 24, 1903.
Senate action and reference: pp. 79, 501, 553, 592, 594, 628, 707, 1045, 1112, 1494.
Assembly action and reference: pp. 628, 629, 884, 900, 901, 963.
- 196—Curtin—An Act to amend Section 3628 of the Political Code, relating to the assessment of property.
Senate action and reference: pp. 79, 442, 490, 781, 782.
- 197—Estudillo—An Act to provide for the union of two or more high school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting high school districts and calling for an election therefor, and the canvassing of the votes cast at said election.
Senate action and reference: pp. 79, 342.
- 198—Estudillo—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.
Senate action and reference: pp. 79, 239, 301, 302, 360, 362, 374, 1795, 1903, 2096.
Assembly action and reference: pp. 393, 394, 973, 1099, 1411, 1474, 1581, 1582, 1633, 1704.

- 199—Martinelli—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unwholesome places and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions."
Senate action and reference: pp. 79, 286.
- 200—Martinelli—An Act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct in addition to the main kitchen at said hospital, to construct in connection with said kitchen a dining-room for kitchen help, to purchase a new kitchen range, steamtable and other necessary kitchen furniture, to enlarge the cold-storage rooms at said hospital, and making an appropriation therefor.
Senate action and reference: pp. 80, 927, 985, 987, 1279, 1327, 1328, 1404, 1643.
- 201—Martinelli—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Mendocino State Hospital.
Senate action and reference: p. 80.
- 202—Martinelli—An Act making an appropriation for the erection and equipment of a building on the grounds of the Mendocino State Hospital to be used as a receiving ward for male and female patients and the treatment of acute cases by hydrotherapy, electricity, and all other modern methods.
Senate action and reference: p. 80.
- 203—Martinelli—An Act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.
Senate action and reference: pp. 80, 927.
- 204—Martinelli—An Act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.
Senate action and reference: pp. 80, 927.
- 205—Savage—An Act to amend section two hundred and forty-nine of the Penal Code, relating to punishment of libel.
Senate action and reference: pp. 80, 202, 230, 231, 252, 253, 294, 329, 346, 370, 395, 428, 453, 509, 530.
- 206—Savage—An Act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.
Senate action and reference: pp. 80, 169, 196, 237, 238, 247, 781, 782, 983, 1334.
Assembly action and reference: pp. 246, 485, 614, 762.
- 207—Savage—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.
Senate action and reference: p. 80.
- 208—Savage—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of 200,000 inhabitants and over, to appoint a secretary," approved March 26, 1895.
Senate action and reference: p. 80.
- 209—Savage—An Act to provide for the construction, equipment, and operation of a gasoline power boat for the purpose of biological and ichthyological research work, to be stationed at Venice, California.
Senate action and reference: p. 81.
- 210—Kennedy—An Act to amend Section 1468 of the Penal Code, relating to appeals to the Superior Court from a Justices' or Police Court, and relating to the statement of the case required in said appeal, and relating to the time in which said statement must be filed and said appeal perfected.
Senate action and reference: p. 81.
- 211—Kennedy—An Act to amend section two hundred and thirty of the Code of Civil Procedure, relating to jury trials in Justices' Courts and in Police and other inferior courts.
Senate action and reference: p. 81.
- 212—Kennedy—An Act to amend an Act entitled "An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.
Senate action and reference: pp. 81, 390, 464, 497, 498, 536, 537, 654, 655, 697, 698, 763.

- 213—Reily—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the city and county of San Francisco, and appropriating twenty-five thousand dollars therefor.
Senate action and reference: pp. 81, 1020, 1021, 1277, 1438, 1641.
Assembly action and reference: pp. 1516, 1518, 1921.
- 214—Leavitt—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof: to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.
Senate action and reference: pp. 81, 1500, 1501, 1583, 1584, 1710, 1751, 1960, 2114.
Assembly action and reference: pp. 1663, 1792, 1793, 1834, 1922, 1924, 1925.
- 215—Weed—An Act to make an appropriation to locate, survey and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.
Senate action and reference: pp. 81, 132, 784, 833, 917, 919, 1225, 1914, 1970.
Assembly action and reference: pp. 1216, 1217, 1499, 1500, 1504, 1600, 1785, 1825, 1921, 1924.
- 216—Weed—An Act making an appropriation to pay the claim of Modoc County against the State of California (for money expended by said county in controlling and stamping out contagious diseases and preventing the spread thereof throughout the State).
Senate action and reference: p. 81.
- 217—Black—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section four thousand one hundred and thirty-five *a*, validating defectively recorded instruments, and providing for the imparting of notice by the same to subsequent purchasers or incumbrancers.
Senate action and reference: pp. 81, 413, 465, 497, 498, 537, 921, 922, 1078, 1493.
Assembly action and reference: pp. 536, 538, 809, 875, 898.
- 218—Roseberry—An Act entitled "An Act to amend Section 954 of the Penal Code, relating to pleadings in criminal cases."
Senate action and reference: pp. 82, 499, 549, 592, 594.
- 219—McCartney—An Act making an appropriation to pay the claim of Lauretta Campbell against the State of California.
Senate action and reference: pp. 82, 1429, 1528, 1639, 1652, 1960, 2114.
Assembly action and reference: pp. 1516, 1518, 1618, 1695, 1832, 1921, 1924, 1925.
- 220—Holohan—An Act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to elections within this State.
Senate action and reference: pp. 82, 656, 794, 822, 824, 872, 873, 1056, 1057, 1076, 1077, 1089, 1157, 1191.
Assembly action and reference: pp. 1198, 1503, 1774, 1797.
- 221—Price—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-ninth and sixtieth fiscal years.
Senate action and reference: pp. 82, 748, 749, 809, 822, 824, 1277, 1712, 1715, 1866.
Assembly action and reference: pp. 1267, 1269, 1317, 1487, 1488, 1530, 1917, 1923, 1925.
- 222—Price—An Act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the Clerk of the Supreme Court in the city of San Francisco.
Senate action and reference: pp. 82, 261, 307, 308, 361, 362, 400, 431, 1389, 1391, 1653, 2095.
Assembly action and reference: pp. 415, 746, 1203, 1243, 1291.
- 223—Campbell—An Act authorizing certain suits against the State, and regulating the procedure therein.
Senate action and reference: pp. 82, 609, 672, 719, 720, 867, 1029, 1075, 1170, 1502, 1616, 1859.

- 224—Campbell—An Act to amend Sections 4013, 4023 and 4254 of the Political Code, relating to county officers and their compensation.
Senate action and reference: p. 82.
- 225—Welch—An Act providing for the issuance and sale of State bonds to create a fund for the purpose of making a safe and suitable harbor in the city and county of San Francisco, in India Basin, and the tidal basins contiguous thereto, north of said India Basin, and extending therefrom to Islais Creek, in said city and county, by dredging said basins and constructing in and about the same wharves, docks, piers, bulkheads, approaches and appurtenances; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.
Senate action and reference: pp. 82, 283.
- 226—Welch—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."
Senate action and reference: pp. 82, 283, 312, 341, 383, 475, 476, 536, 577, 626, 627, 697, 759, 760, 762, 1674, 1675, 1804.
Assembly action and reference: pp. 788, 1109, 1249, 1359, 1405, 1406, 1407.
- 227—Welch—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.
Senate action and reference: pp. 83, 283, 340, 341, 383, 464, 483, 543, 544, 592, 593, 627, 628, 681, 720, 763, 1573, 1574, 1722.
Assembly action and reference: pp. 788, 1110, 1249, 1250, 1359, 1407.
- 228—Anthony—An Act appropriating money to pay the claim of W. H. Cobb against the State of California.
Senate action and reference: pp. 83, 314, 349, 361, 362, 404, 921, 922, 1078, 1495.
Assembly action and reference: pp. 407, 408, 746, 783, 872, 897, 1075.
- 229—Anthony—An Act to establish and support a Bureau of Immigration.
Senate action and reference: pp. 83, 260, 748, 808, 917, 919, 1144.
Assembly action and reference: pp. 1152, 1379, 1415, 1416, 1920.
- 230—Estudillo—An Act regulating public bakeries and providing for a State inspector of the same.
Senate action and reference: p. 103.
- 231—Wolfe—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905."
Senate action and reference: p. 103.
- 232—Wolfe—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert their vessels.
Senate action and reference: pp. 103, 320, 375, 381, 434, 456, 514, 532, 576, 626, 695, 736, 737, 1231, 1232, 1559, 2097, 2098.
Assembly action and reference: pp. 752, 1023, 1099, 1139.

- 233—Wolfe—An Act to add a new section to the Political Code, to be known and numbered as Section 4248a, relating to the restoration of certificates of birth, marriage licenses, marriage certificates or certificates of death, or the records thereof, which may have been lost, injured, mutilated or destroyed by conflagration or other public calamity, or for the establishment or proof of births, marriages or deaths, occurring at periods when there existed no statutes in this State, for the registration of the same.
Senate action and reference: pp. 103, 178, 225, 252, 253, 264.
Assembly action and reference: pp. 283, 1913.
- 234—Wolfe—An Act to appropriate money for the purchase of land adjoining the present property of the State Normal School at San Francisco.
Senate action and reference: pp. 104, 238, 288, 783, 832, 917, 919, 1270.
Assembly action and reference: pp. 1267, 1269, 1918.
- 235—Wolfe—An Act to appropriate money for repainting of the State Normal School at San Francisco and for laying a concrete sidewalk along the property of said school.
Senate action and reference: pp. 104, 283, 284, 335, 339, 347, 1047, 1112, 1494.
Assembly action and reference: pp. 345, 783, 787, 887, 928, 929, 963, 1072, 1075.
- 236—Wright—An Act providing for the appointment of a secretary to boards of education in incorporated cities or towns and adding a new section to the Political Code, to be known as Section 1616a.
Senate action and reference: pp. 104, 1341.
- 237—Wright—An Act providing for the levy of a special tax for school purposes in incorporated cities and towns; and abolishing the holding of special elections therein as provided for in sections eighteen hundred and thirty to eighteen hundred and thirty-six inclusive, of the Political Code; providing for the collection of said tax, and adding certain sections to said Political Code, to be known as sections eighteen hundred and fifty-three, eighteen hundred and fifty-four, and eighteen hundred and fifty-five, relating to the revenues necessary to maintain grammar, primary and kindergarten schools in incorporated cities.
Senate action and reference: p. 104.
- 238—Wright—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 1014.
Senate action and reference: pp. 104, 203, 231, 298, 359, 362, 371, 372, 394, 436, 476, 781, 782, 983, 1399.
Assembly action and reference: pp. 464, 523, 614, 615, 763.
- 239—Wright—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.
Senate action and reference: pp. 104, 284, 336, 361, 362, 403, 1063, 1112.
Assembly action and reference: pp. 407, 408, 783, 787, 887, 928, 929, 964, 1072, 1075.
- 240—Wright—An Act to provide an additional appropriation for the erection of a training school building for the use of the State Normal School at San Diego, California, and to equip the same.
Senate action and reference: pp. 104, 989.
- 241—Wright—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, California, and making an appropriation therefor.
Senate action and reference: pp. 104, 284, 336, 361, 362, 402, 403, 1130, 1131, 1256, 2112.
Assembly action and reference: pp. 407, 408, 783, 787, 887, 929, 930, 1072, 1075, 1091.
- 242—Curtin—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.
Senate action and reference: pp. 105, 181, 923, 924, 1299, 1360, 1361, 1365, 1366, 1959, 2114.
Assembly action and reference: pp. 1348, 1350, 1573, 1618, 1692, 1693, 1824, 1825, 1921, 1924, 1925.

- 243—Curtin—An Act authorizing the boards of supervisors of the several counties of the State to set apart from the fees collected by the county clerks a sum not exceeding thirty dollars in any one month to be paid into the "Law Library Fund" designated in section forty-one hundred and ninety of the Political Code as amended in 1907, and to be used for the same purpose as said "Law Library Fund." is now used.
Senate action and reference: pp. 105, 178, 228, 252, 253, 275, 1051, 1052, 1112, 1494.
Assembly action and reference: pp. 283, 781, 871, 927.
- 244—Lewis—An Act to provide for the erection of a water tower, tanks, pumps, boring of wells, and all necessary equipment of the same, at Stockton State Hospital for domestic use and fire purposes, and to make appropriations therefor.
Senate action and reference: pp. 105, 185, 286.
- 245—McCartney—An Act to provide for the consolidation of municipal corporations.
Senate action and reference: pp. 105, 568, 645, 672, 793, 876, 950, 989, 1320.
- 246—Savage—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 512, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.
Senate action and reference: pp. 105, 414, 415.
- 247—Burnett—An Act to amend Chapter 11, Title IV of Part III of the Code of Civil Procedure of the State of California, relating to liens of mechanics, laborers, persons furnishing material, and other persons, upon real property by adding a new section to said chapter to be numbered one thousand one hundred and eighty-three and one-half, providing for liens in favor of persons furnishing power in the construction, alteration, addition to, or repair, either in whole or in part of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, or in transporting the material furnished and to be used for such purposes, and declaring the rank of such liens.
Senate action and reference: p. 105.
- 248—Boynton—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197b, and providing for advising the voter of the experience of judicial candidates by designating as such on the ballot incumbents who are candidates for reelection.
Senate action and reference: p. 105.
- 249—Boynton—An Act to add a new section to Chapter VIII of Title II of Part III of the Political Code, to be known as Section 1197a, and providing for the arrangement of judicial candidates on the ballot without designation of party affiliations.
Senate action and reference: pp. 105, 752, 814, 917, 919, 1145, 1162, 1316, 1334, 1424, 1446, 2092.
Assembly action and reference: pp. 1394, 1395, 1503, 1503, 1773, 1889, 1890.
- 250—Hare—An Act providing for a standard system of weights and measures.
Senate action and reference: p. 106.
- 251—Miller—An Act authorizing and requiring boards of supervisors, common councils, or other legislative bodies of any county, city and county, city or town to annually fix the rates to be charged and collected by persons, corporations, or associations operating telephone companies or engaged in supplying telephone service to the public.
Senate action and reference: p. 106.
- 252—Roseberry—An Act to amend Section 628 of the Penal Code, relating to crawfish, shrimps, crab, sturgeon, and abalone.
Senate action and reference: p. 106.
- 253—Roseberry—An Act to amend Section 1474 of the Code of Civil Procedure.
Senate action and reference: pp. 106, 169, 195, 237, 238, 246, 2105.
Assembly action and reference: pp. 246, 1745, 1776, 1896, 1897.
- 254—Campbell—An Act making an appropriation for the construction and furnishing of dormitories and a dining hall at the California Polytechnic School.
Senate action and reference: p. 106.
- 255—Campbell—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.
Senate action and reference: p. 106.
- 256—Campbell—An Act making an appropriation for the construction of barns at the California Polytechnic School, and for the purchase of farm equipment for the use of said school.
Senate action and reference: p. 106.

- 257—Cartwright—An Act establishing a State Normal School and Agricultural Institute at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.
Senate action and reference: pp. 106, 179.
- 258—Willis—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.
Senate action and reference: pp. 106, 314, 349, 361, 362, 405, 407, 781, 982, 1399.
Assembly action and reference: pp. 408, 523, 614, 615, 746, 749, 773, 774.
- 259—Thompson—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.
Senate action and reference: pp. 106, 179, 228, 238, 275, 276, 744, 745, 821, 824.
Assembly action and reference: pp. 283, 566, 615, 670.
- 260—Thompson—An Act to amend the Penal Code by adding a new chapter to Title IX of Part I thereof to preserve one day in the week as a day of rest, and to promote health, morals and the public welfare.
Senate action and reference: pp. 107, 201, 915.
- 261—Rush—An Act to amend an Act entitled "An Act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one-half.
Senate action and reference: pp. 107, 282, 335, 361, 362, 405, 407, 781, 982, 1398.
- 262—Rush—An Act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the State Veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this Act, and providing for the enforcement of said lien.
Senate action and reference: pp. 107, 282, 335, 361, 362, 402, 415, 432, 455, 513, 531, 575, 625, 693, 694.
- 263—Anthony—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.
Senate action and reference: pp. 107, 314, 349, 361, 362, 405, 407, 781, 982, 1398.
Assembly action and reference: pp. 408, 523, 614, 615, 746, 749, 774.
- 264—Kennedy—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 339 and 343 thereof, relating to pawnbrokers.
Senate action and reference: pp. 112, 218, 219, 299, 360, 762, 373, 1394, 1654, 2094.
Assembly action and reference: pp. 393, 394, 971, 1098, 1286.
- 265—Curtin—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 47 thereof.
Senate action and reference: pp. 112, 314, 315, 350, 362, 405.
Assembly action and reference: pp. 407, 408.
- 266—Curtin—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 thereof.
Senate action and reference: pp. 112, 314, 315, 350, 362, 405, 406, 433, 456, 513, 514, 532, 576, 626, 695, 871, 872, 1032, 1076, 1501.
- 267—Curtin—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 14 thereof.
Senate action and reference: pp. 113, 314, 315, 350, 362, 406.
Assembly action and reference: pp. 407, 408.

- 268—Curtin—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1907; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act.
Senate action and reference: pp. 113, 315, 350, 362, 406, 407, 1731, 1868, 2095.
Assembly action and reference: pp. 407, 408, 1214, 1344, 1476.
- 269—Curtin—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 35 thereof.
Senate action and reference: pp. 113, 315, 350, 362, 406, 407, 1731, 1868, 2095.
Assembly action and reference: pp. 407, 408, 429, 779, 870, 927, 1381, 1448, 1449, 1523, 1609.
- 270—Rush—An Act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.
Senate action and reference: pp. 113, 382, 463, 497, 498, 535, 1231, 1232, 1559, 1728.
Assembly action and reference: pp. 535, 537, 780, 973, 1098, 1138, 1139.
- 271—Stetson—An Act authorizing the Controller of State to appoint an Inheritance Tax Deputy and prescribing his duties.
Senate action and reference: pp. 113, 261, 308, 361, 362, 400, 1574, 1722, 2096.
Assembly action and reference: pp. 107, 408, 799, 866, 1073, 1215, 1285, 1303, 1350, 1409, 1410, 1923, 1925.
- 272—Stetson—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.
Senate action and reference: pp. 113, 448, 491, 496, 556, 844, 845, 1034, 1493.
Assembly action and reference: pp. 537, 538, 676, 749, 800, 868, 1075.
- 273—Miller—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.
Senate action and reference: pp. 113, 180, 229, 238, 293, 745, 746, 821, 824, 984.
Assembly action and reference: pp. 296, 297, 423, 426, 507, 533, 668, 669.
- 274—Walker—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor," approved February 13, 1903.
Senate action and reference: p. 114.
- 275—Birdsall—An Act to amend Section 1543 of the Political Code, so as to provide for suspended school districts.
Senate action and reference: pp. 114, 657.
- 276—Birdsall—An Act to add a new section to the Political Code of the State of California, to be numbered 1195*a*, relating to the submission of amendments to the Constitution.
Senate action and reference: pp. 114, 718, 806, 917, 919, 1141.
- 277—Birdsall—An Act to amend Section 1876 of the Political Code of the State of California, referring to contract by school trustees.
Senate action and reference: pp. 114, 566, 567.

- 278—Birdsall—An Act providing for the construction of the water and sewer system in California Redwood Park, and making an appropriation therefor.
Senate action and reference: pp. 114, 202, 203, 1020, 1021, 1292, 1438, 1572, 1913, 1970.
Assembly action and reference: pp. 1460, 1504, 1604, 1605, 1789, 1921, 1924, 1925.
- 279—Black—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employees on railroads or street railways.
Senate action and reference: p. 114.
- 280—Black—An Act to amend Section 197 of the Civil Code, relating to the custody, services and earnings of minors.
Senate action and reference: pp. 114, 501.
- 281—Black—An Act to amend Section 397*b* of the Penal Code, relating to the sale, giving or delivering of intoxicating liquors to minor children and to preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.
Senate action and reference: pp. 114, 752, 814, 823, 824, 1145, 1614.
- 282—Thompson—An Act to provide for the purchase of additional land at the State Pathological Laboratory at Whittier, and making an appropriation therefor.
Senate action and reference: pp. 114, 179.
- 283—Thompson—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.
Senate action and reference: pp. 115, 179, 923, 924, 1271, 1326, 1328, 1402, 1713, 1715, 1866.
Assembly action and reference: pp. 1370, 1371, 1494, 1495, 1542, 1543, 1919, 1923, 1925.
- 284—Thompson—An Act to provide for the continuation of investigations on the culture and utilization of eucalyptus trees by the University of California, and making an appropriation therefor.
Senate action and reference: pp. 115, 923, 924, 1271, 1326, 1328, 1402, 1713, 1715, 1866.
Assembly action and reference: pp. 1370, 1371, 1389, 1494, 1495, 1543, 1919, 1923, 1925.
- 285—Lewis—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1907, by amending section two thereof.
Senate action and reference: pp. 115, 203, 231, 252, 253, 294, 359, 362, 370, 561, 653, 655, 983.
Assembly action and reference: pp. 393, 394, 429, 504.
- 286—Price—An Act appropriating money to be expended by and under the direction of the Department of Engineering, for the purpose of rectifying the channel of the Petaluma River, and to dredge the bar formed by said river where it empties into the bay of San Francisco.
Senate action and reference: pp. 115, 418.
- 287—Price—An Act to amend section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.
Senate action and reference: p. 115.
- 288—Price—An Act appropriating money to pay the claim of M. L. Ward against the State of California.
Senate action and reference: pp. 115, 314, 350, 361, 362, 405, 407, 408, 781, 982, 1399.
Assembly action and reference: pp. 408, 523, 614, 615, 746, 749, 774.
- 289—Price—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.
Senate action and reference: pp. 115, 314, 350, 361, 362, 405, 407, 408, 781, 982, 1399.
Assembly action and reference: pp. 408, 523, 614, 615, 746, 749, 774.
- 290—Price—An Act to amend section six hundred and twenty-seven of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.
Senate action and reference: p. 115.

- 291—Wright—An Act granting the city of San Diego certain tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between a portion of the sea wall line and pier head line of San Diego harbor, as said lands are now established or as they may be hereafter established.
Senate action and reference: pp. 115, 692, 804, 822, 824, 1140, 1613.
Assembly action and reference: p. 1478.
- 292—Wright—An Act to amend section seven hundred and sixty-five of the Political Code, relative to the course of study in public schools in the State of California.
Senate action and reference: pp. 115, 565, 639, 718, 720, 860, 861, 1675, 1805, 2094.
Assembly action and reference: pp. 915, 1205, 1244, 1325, 1475.
- 293—Wright—An Act to amend section three hundred and eight of the Penal Code of the State of California, relating to the sale of cigarettes and tobacco.
Senate action and reference: p. 116.
- 294—Wright—An Act providing for the organization of the Board of Railroad Commissioners, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees, and other persons and providing penalties therefor.
Senate action and reference: pp. 116, 789, 1191, 1192, 1346, 1347, 1408, 1428, 1435, 1441, 1505, 1531, 1556, 1569, 1582, 1607, 1608, 1759, 1886, 1956.
Assembly action and reference: pp. 1460, 1505, 1584, 1704.
- 295—Wright—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.
Senate action and reference: pp. 116, 720, 827, 965, 1298, 1437, 1438, 1503, 1617, 1859.
- 296—Curtin—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.
Senate action and reference: pp. 116, 217, 298, 313, 330, 1132, 1133, 1256, 1727, 2000.
Assembly action and reference: pp. 322, 975, 1050, 1097.
- 297—Stetson—An Act to amend Section 1425 of the Political Code, relating to the control of the University of California by regents.
Senate action and reference: p. 132.
- 298—Stetson—An Act to amend Section 353 of the Political Code, relating to ex officio regents of the University of California.
Senate action and reference: p. 132.
- 299—Stetson—An Act to amend Section 1427 of the Political Code, relating to the appointment of ex officio regents of the University of California.
Senate action and reference: p. 132.
- 300—Leavitt—An Act making an appropriation to pay the claim of the Southern Construction Co. against the State of California.
Senate action and reference: pp. 133, 171, 198, 238, 247, 248, 411, 474, 983.
Assembly action and reference: pp. 246, 259, 320, 357, 379, 390, 392, 525.
- 301—Leavitt—An Act making an appropriation to pay the claim of J. E. Clause against the State of California.
Senate action and reference: pp. 133, 171, 198, 238, 247, 411, 474, 983.
Assembly action and reference: pp. 246, 259, 320, 357, 379, 390, 392, 525.
- 302—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.
Senate action and reference: pp. 133, 170, 171, 197, 201, 212, 213, 355, 419, 983.
Assembly action and reference: pp. 220, 221, 230, 258, 259, 352, 389, 392, 525.
- 303—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Preston School of Industry for the sixtieth fiscal year.
Senate action and reference: pp. 133, 170, 171, 197, 201, 213, 355, 419, 983.
Assembly action and reference: pp. 220, 221, 230, 258, 259, 352, 389, 392, 525.

- 304—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.
Senate action and reference: pp. 133, 170, 171, 197, 201, 213, 355, 419, 983.
Assembly action and reference: pp. 220, 221, 230, 258, 259, 352, 389, 392, 525.
- 305—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.
Senate action and reference: pp. 133, 170, 171, 197, 201, 214, 355, 419, 983.
Assembly action and reference: pp. 220, 221, 230, 258, 259, 352, 353, 389, 392, 525.
- 306—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for support and expenses of the State Board of Horticulture for the fifty-ninth fiscal year.
Senate action and reference: pp. 133, 170, 171, 197, 201, 214, 355, 419, 983.
Assembly action and reference: pp. 220, 221, 230, 258, 259, 352, 353, 389, 392, 525.
- 307—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 212, Statutes of 1905, relative to improvements at the State Printing Office.
Senate action and reference: pp. 133, 170, 171, 197, 201, 214, 355, 419, 983.
Assembly action and reference: pp. 221, 230, 258, 259, 353, 389, 392, 525.
- 308—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation made by Chapter 8, Statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different State officers.
Senate action and reference: pp. 133, 170, 171, 197, 201, 214, 355, 419, 983.
Assembly action and reference: pp. 221, 230, 258, 259, 353, 389, 392, 525.
- 309—Leavitt—An Act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.
Senate action and reference: pp. 133, 284, 335, 339, 347, 715, 716, 777, 984.
Assembly action and reference: pp. 345, 484, 525, 533, 534, 612, 745, 749.
- 310—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.
Senate action and reference: pp. 133, 170, 171, 197, 201, 214, 215, 355, 419, 983.
Assembly action and reference: pp. 221, 222, 230, 258, 259, 354, 389, 392, 525.
- 311—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the State Veterinarian and assistant for the fifty-ninth fiscal year.
Senate action and reference: pp. 134, 171, 197, 201, 214, 215, 355, 419, 983.
Assembly action and reference: pp. 221, 222, 230, 258, 259, 354, 389, 392, 525.
- 312—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.
Senate action and reference: pp. 134, 171, 197, 201, 214, 215, 355, 419, 983.
Assembly action and reference: pp. 221, 222, 230, 258, 259, 354, 389, 392, 525.
- 313—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Department of Engineering for the fifty-ninth and sixtieth fiscal years.
Senate action and reference: pp. 134, 171, 197, 201, 215, 355, 419, 983.
Assembly action and reference: pp. 221, 222, 230, 258, 259, 354, 355, 390, 392, 525.

- 314—Curtin—An Act to amend Section 1267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class, by adding a new subdivision thereto relating to the duties and compensation of official reporters, to be known as Subdivision 17 of said section.
Senate action and reference: pp. 134, 217, 612, 677, 719, 720, 870, 1031, 1075, 1284, 1286, 1437, 1438, 1477, 1914, 1970, 2111.
Assembly action and reference: pp. 1395, 1396, 1456, 1598, 1780, 1781.
- 315—Curtin—An Act to amend Section 4013 of the Political Code of the State of California, relating to county officers.
Senate action and reference: pp. 134, 217.
- 316—Wolfe—An Act to amend Sections 10 and 11 of the Code of Civil Procedure of the State of California, relating to holidays.
Senate action and reference: pp. 134, 169, 193, 200, 201, 210, 564, 653, 655, 984.
Assembly action and reference: pp. 220, 221, 319, 356, 499, 539.
- 317—Wolfe—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to holidays.
Senate action and reference: pp. 134, 169, 193, 200, 201, 210, 564, 653, 655, 984.
Assembly action and reference: pp. 220, 221, 319, 356, 499, 539.
- 318—Wolfe—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.
Senate action and reference: pp. 134, 169, 194, 200, 201, 210, 564, 565, 653, 655, 984.
Assembly action and reference: pp. 220, 221, 319, 356, 500, 539.
- 319—Estudillo—An Act to appropriate money to enforce the provisions of an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products; and to appropriate money for enforcing its provisions."
Senate action and reference: pp. 134, 286.
- 320—Martinelli—An Act providing for a biennial appropriation in the General Appropriation Bill for the support and maintenance of the Bureau of Criminal Identification of the State of California.
Senate action and reference: pp. 134, 204, 522, 595, 605, 606, 630, 1492, 1688.
Assembly action and reference: pp. 568, 569, 749, 1215, 1344, 1355.
- 321—Martinelli—An Act to amend Section 8 of an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office, approved March 20, 1905."
Senate action and reference: pp. 134, 204, 522, 595, 605, 606, 631, 1389, 1391, 1653.
Assembly action and reference: pp. 568, 569, 785, 1040, 1073, 1076, 1097, 1098, 1286.
- 322—Caminetti—An Act to make an appropriation for the repair and maintenance under the supervision, management and control of the Department of Engineering of the State of California, of that certain state highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Marbleville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Engineering, and to designate and name such state highway as the Alpine State Highway.
Senate action and reference: pp. 135, 180, 784, 834, 918, 919, 1170.
Assembly action and reference: pp. 1197, 1761, 1762, 1922.
- 323—Welch—An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.
Senate action and reference: pp. 137, 260, 306, 360, 362, 399, 400, 440, 441, 454, 921, 922, 1078, 1491.
Assembly action and reference: pp. 427, 781, 871, 896.

- 324—Welch—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing and erecting of unsafe or improper scaffolding or mechanical contrivances.
Senate action and reference: pp. 135, 260, 307, 313, 333, 361, 362, 400, 401, 431, 432, 921, 922, 1078, 1398.
Assembly action and reference: pp. 415, 781, 871, 896.
- 325—Welch—An Act to amend Section 411 of the Code of Civil Procedure of the State of California, as adopted March 11, 1872, and as amended in 1873 and 1874, relative to the service of summons.
Senate action and reference: pp. 135, 1181, 1311, 1438, 1608.
Assembly action and reference: pp. 1477, 1478, 1913.
- 326—Welch—An Act to repeal Section 625 of the Code of Civil Procedure of the State of California, relating to special issues.
Senate action and reference: p. 135.
- 327—Welch—An Act to provide compensation for injuries to employees.
Senate action and reference: pp. 135, 929.
- 328—Bills—An Act to provide for work upon and construction of sidewalks within municipalities.
Senate action and reference: pp. 135, 415, 467, 475, 476, 539, 1048, 1049, 1112, 1494.
Assembly action and reference: pp. 536, 538, 705, 801, 802, 926.
- 329—Burnett—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section No. 67a, relating to extra sessions of the Superior Court
Senate action and reference: p. 135.
- 330—Birdsall—An Act to amend Article V, Chapter VII, Title XI, Part III of the Code of Civil Procedure of the State of California by amending Section 1577 thereof and adding a new section thereto, to be numbered 1580, relating to the real property of decedents, minors and incompetent persons.
Senate action and reference: pp. 136, 527, 599, 600, 718, 720, 860, 1676, 1721, 1868, 2095.
Assembly action and reference: pp. 915, 917, 1212, 1343, 1475.
- 331—Birdsall—An Act to amend an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration, and to make an appropriation for the purpose of carrying out the objects of this Act," approved March 13, 1907, by amending Section 3 thereof.
Senate action and reference: pp. 136, 788, 837, 919, 1147.
- 332—Birdsall—An Act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer County, in an easterly direction through what is known as the Truckee Pass to west end of Donner Lake in Nevada County.
Senate action and reference: pp. 136, 180.
- 333—Willis—An Act to provide for the payment of expense incurred in making repairs on and in the Capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.
Senate action and reference: pp. 136, 179, 228, 238, 276.
Assembly action and reference: pp. 283, 284, 391.
- 334—Willis—An Act to create the office of State Dental Surgeon, prescribe his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.
Senate action and reference: pp. 136, 314, 349, 369, 1618, 1666, 1694, 1769, 1958.
Assembly action and reference: pp. 1686, 1746, 1758, 1833, 1834, 1841, 1922, 1924, 1925.
- 335—Price—An Act to secure uniform public accounting and making an appropriation therefor.
Senate action and reference: pp. 136, 358, 359.
- 336—Price—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.
Senate action and reference: pp. 136, 687, 688, 802, 831, 949, 1090, 1093, 1254.
Assembly action and reference: pp. 1267, 1269, 1913.
- 337—Price—An Act to amend Section 789 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.
Senate action and reference: pp. 136, 687, 688, 802, 831, 949, 1090, 1093, 1254, 1255.
Assembly action and reference: pp. 1267, 1269, 1913.

- 338—Anthony—An Act to amend Section 44 of the Code of Civil Procedure of the State of California, relating to the apportionment of business of the Supreme Court and District Courts of Appeal.
Senate action and reference: p. 136.
- 339—Anthony—An Act to amend Section 76 of the Code of Civil Procedure of the State of California, relating to the original jurisdiction of the Superior Court.
Senate action and reference: pp. 136, 1270.
- 340—Anthony—An Act to amend Section 625 of the Code of Civil Procedure of the State of California, relating to the general and special verdicts.
Senate action and reference: pp. 136, 178.
- 341—Anthony—An Act regulating and fixing the maximum hours of a day's work of conductors and motormen on street and electric railways.
Senate action and reference: pp. 137, 287, 827, 964, 1091, 1093, 1336.
- 342—Anthony—An Act to prevent persons from unlawfully wearing the button of any labor union of this State.
Senate action and reference: pp. 136, 260, 307, 313, 332, 1793, 1794, 1961, 2096.
Assembly action and reference: pp. 322, 1413, 1594, 1637.
- 343—Thompson—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3788 thereof, as amended March 28, 1895, said section being a part of Chapter VII, Title IX, Part III of the Political Code of the State of California, said Title IX relating to revenue, said Chapter VII relating to the collection of property taxes and said section hereby amended relating to the resale of State lands upon which taxes have accrued, but which have not been paid, and repealing Section 15 of an Act entitled "An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.
Senate action and reference: pp. 137, 218, 219, 299, 300, 360, 362, 373, 374, 396, 428, 429, 476, 510, 745, 821, 824, 1398.
Assembly action and reference: pp. 508, 510, 566, 616, 671.
- 344—Thompson—An Act to amend Sections 1 and 3 of an Act entitled, "An Act to create a fund to be known as the United States forest reserve fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.
Senate action and reference: pp. 137, 753, 815, 917, 919, 1488, 1793, 1794, 1902, 2096.
Assembly action and reference: pp. 1395, 1396, 1416, 1595, 1596, 1643, 1920, 1924, 1925.
- 345—Boynton—An Act to provide for the erection of a training school building for the use of the State Normal School at Chico, California, to equip the same, and make an appropriation therefor.
Senate action and reference: pp. 138, 238, 288.
- 346—Boynton—An Act to provide for the accomplishment of the work of the direct enforcement of the navigation of the Sacramento, San Joaquin and Feather rivers, of the State of California as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by Brigadier General A. MacKenzie, Chief Engineer, C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain, Corps of Engineers, of the United States Army, and printed with the annual report of the Chief of Engineers of the United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.
Senate action and reference: pp. 138, 203, 205, 232, 252, 276, 277, 520, 521, 653, 655, 984.
Assembly action reference: pp. 283, 284, 320, 356, 357, 487, 539.

- 347—Price—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.
Senate action and reference: pp. 138, 180, 748, 808, 832, 950, 1090, 1093, 1320, 1713, 1715, 1866.
Assembly action and reference: pp. 1266, 1269, 1364, 1366, 1389, 1490, 1491, 1529, 1919, 1923, 1925.
- 348—Lewis—An Act to amend Section 737 of the Political Code, relating to the salaries of judges of the Superior Court.
Senate action and reference: p. 138.
- 349—Wright—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial Valley, providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.
Senate action and reference: pp. 138, 925, 1369, 1400, 1793, 1794, 1902.
Assembly action and reference: pp. 1394, 1416, 1596, 1643, 1920, 1924, 1925.
- 350—Leavitt—An Act to amend Section 4290 of the Political Code of the State of California, relating to salaries and fees.
Senate action and reference: p. 150.
- 351—Leavitt—An Act to amend Section 3862 of the Political Code of the State of California, relating to compensation allowed for collecting certain taxes.
Senate action and reference: pp. 150, 749.
- 352—Leavitt—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.
Senate action and reference: pp. 150, 239, 302, 303, 360, 362, 374, 375, 780, 982, 1399.
Assembly action and reference: pp. 393, 394, 508, 534, 669, 772, 773.
- 353—Miller—An Act to amend Section 1521 of the Political Code of the State of California, relating to the duties of the State Board of Education.
Senate action and reference: pp. 150, 413, 466, 497, 498, 538, 577, 627, 698, 818, 917, 919, 1022, 1389, 1391, 1653, 1759.
Assembly action and reference: pp. 982, 983, 1149, 1243, 1290.
- 354—Miller—An Act to amend Section 1775 of the Political Code of the State of California, relating to the County Board of Education.
Senate action and reference: pp. 150, 413, 467, 497, 498, 538, 539, 564, 655, 698, 1051, 1052, 1112, 1494.
Assembly action and reference: pp. 629, 900, 928.
- 355—Strobridge—An Act to amend Section 2641 of the Political Code of the State of California, relative to the appointment and qualification of road commissioners.
Senate action and reference: p. 150.
- 356—Stetson—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as Section 1678, relating to contracts to assign future or unearned salary or wage.
Senate action and reference: pp. 150, 749.
- 357—Stetson—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as Section 872, relating to trusts and real property and to the right of redemption thereunder.
Senate action and reference: p. 150.
- 358—Stetson—An Act to amend Section number 1045 of the Civil Code of the State of California, relating to the transfer of future interests.
Senate action and reference: pp. 151, 749.
- 359—Stetson—An Act to authorize certain improvements at the California Institution for the Deaf and the Blind in Berkeley, and making an appropriation therefor.
Senate action and reference: pp. 151, 408, 924, 1438, 1522, 1713, 1715, 1866.
Assembly action and reference: pp. 1434, 1435, 1457, 1458, 1459, 1544, 1920, 1924, 1925.
- 360—Stetson—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 1677, relating to contracts for the payment of interest.
Senate action and reference: pp. 151, 749.
- 361—Curtin—An Act making an appropriation to pay the claim of F. W. Leavitt against the State of California.
Senate action and reference: pp. 151, 284, 336, 339, 348, 781, 982, 1399.
Assembly action and reference: pp. 345, 523, 615, 745, 749, 775.

- 362—Hurd—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the State for the purpose of supplying any such municipality and its inhabitants with water.
Senate action and reference: pp. 151, 414.
- 363—Hurd—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement or utility.
Senate action and reference: pp. 151, 915, 1063, 1306, 1437, 1438, 1506, 1618, 1677.
- 364—Caminetti—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889.
Senate action and reference: pp. 151, 204, 383, 463, 475, 476, 535, 536, 1492, 1688.
Assembly action and reference: pp. 536, 537, 1047, 1215, 1342, 1352, 1917, 1923, 1925.
- 365—Burnett—An Act to provide for the replacing of books, documents and records when lost or destroyed in public offices.
Senate action and reference: p. 151.
- 366—Hare—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel boarding or lodging house, of domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.
Senate action and reference: pp. 151, 260, 307, 360, 362, 400, 408, 409, 1130, 1131, 1350, 1561, 2063.
Assembly action and reference: pp. 408, 907, 992, 1095, 1096.
- 367—Roseberry—An Act to add a new section to the Political Code, to be known as Section 1839a, relating to school district tax.
Senate action and reference: p. 152.
- 368—Birdsall—An Act to provide for the survey, location and construction of a State highway from the western terminus of the Lake Tahoe wagon road to the city of Placerville, and from the western corporate limits of said city in a westerly direction to the town of Folsom, and make an appropriation therefor.
Senate action and reference: pp. 152, 181.
- 369—Lewis—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 51½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.
Senate action and reference: pp. 152, 414.
- 370—Lewis—An Act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one half, authorizing city justices in cities and towns of the third class to appoint a clerk.
Senate action and reference: p. 152.
- 371—Lewis—An Act to amend Section 4237 of the Political Code, relating to county and township officers of counties of the eighth class.
Senate action and reference: pp. 152, 1105.
- 372—Reily—An Act relating to the liabilities of employers in and around underground mines, smelter works, concentrators, coal washers, factories, workshops, and mills.
Senate action and reference: p. 152.
- 373—Anthony—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.
Senate action and reference: p. 152.
- 374—Anthony—An Act to regulate the work and hours of employees in the occupation of cooks, waiters and waitresses in public eating houses, and providing a penalty for violation thereof.
Senate action and reference: pp. 152, 501, 829, 965, 1092, 1093, 1159, 1994, 2117.
Assembly action and reference: pp. 1197, 1620, 1696, 1846, 1883.

- 375—Boynton—An Act to amend Section 1349 of the Code of Civil Procedure of the State of California, relating to the person or persons to whom letters testamentary on proved will may be issued.
Senate action and reference: p. 152.
- 376—Boynton—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer upon estates, and providing that a partner shall not be appointed administrator.
Senate action and reference: p. 152.
- 377—Wolfe—An Act to establish the California State Reformatory, and making an appropriation therefor.
Senate action and reference: p. 153.
- 378—Campbell—An Act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth and sixth class not having a freeholders' charter.
Senate action and reference: pp. 153, 610, 674, 719, 720, 868, 934, 935, 1057, 1253, 1254, 1793, 1794, 1902, 2086.
Assembly action and reference: pp. 1267, 1269, 1415, 1595, 1641.
- 379—Campbell—An Act to amend Sections 241 and 242 and to repeal Section 243 of the Code of Civil Procedure of the State of California, all relating to the impaneling of grand juries.
Senate action and reference: pp. 153, 1430, 1431, 1592, 1639.
- 380—Campbell—An Act to repeal Sections 894 to 901, inclusive, of the Penal Code, and to amend Section 903 of the same Code, all relating to grand juries.
Senate action and reference: pp. 153, 1431, 1592, 1639.
- 381—Campbell—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury.
Senate action and reference: pp. 153, 437, 438, 440.
- 382—Campbell—An Act to amend Section 226 of the Code of Civil Procedure, relating to grand juries and trial jury panels.
Senate action and reference: pp. 153, 437, 438, 440.
- 383—Campbell—An Act to amend Section 227 of the Code of Civil Procedure, relating to trial jury panels.
Senate action and reference: pp. 153, 437, 438, 440.
- 384—Campbell—An Act to add a new section to the Code of Civil Procedure, to be numbered 229, relating to procedure on forming a panel of trial jurors.
Senate action and reference: pp. 153, 437, 438, 440.
- 385—Campbell—An Act to amend Section 198 of the Code of Civil Procedure, relating to the competency of grand and trial jurors.
Senate action and reference: pp. 153, 1329, 1586, 1638, 1639.
- 386—Campbell—An Act to amend Section 199 of the Code of Civil Procedure, relating to the incompetency of grand and trial jurors.
Senate action and reference: p. 153.
- 387—Campbell—An Act to amend Section 1055 of the Penal Code of the State of California and to repeal Sections 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1065 thereof, all relating to challenges to trial jurors and trial jury panels.
Senate action and reference: pp. 153, 437, 438, 440.
- 388—Campbell—An Act to amend Section 1076 of the Penal Code of the State of California, relating to challenges for cause of trial jurors.
Senate action and reference: pp. 154, 438, 439, 440.
- 389—Campbell—An Act to amend the Penal Code by adding a new section thereto, to be numbered 1079, relating to the examination of jurors.
Senate action and reference: p. 154.
- 390—Campbell—An Act to amend Section 170 of the Code of Civil Procedure of the State of California, relating to disqualification of judges.
Senate action and reference: p. 154.
- 391—Campbell—An Act to amend Section 1437 of the Penal Code, relating to ground of discharge on habeas corpus.
Senate action and reference: pp. 154, 438, 439, 440.
- 392—Campbell—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.
Senate action and reference: pp. 154, 1592, 1639.
- 393—Campbell—An Act to amend Section 997 of the Penal Code of the State of California, relating to proceedings when motion to set aside indictment or information is determined.
Senate action and reference: pp. 154, 438, 439, 440.
- 394—Campbell—An Act to amend Section 1012 of the Penal Code, relating to lack of jurisdiction.
Senate action and reference: p. 154.

- 395—Campbell—An Act to amend Section 1173 of the Penal Code of the State of California, relating to exceptions by the defendant to the change of place of trial.
Senate action and reference: pp. 154, 438, 439, 440.
- 396—Campbell—An Act to amend Section 1187 of the Penal Code of the State of California, relating to the effect of an order setting aside the judgment.
Senate action and reference: p. 154.
- 397—Campbell—An Act to repeal Section 1010 of the Penal Code of the State of California, relating to resubmission of case when demurrer is allowed.
Senate action and reference: pp. 154, 438, 439, 440.
- 398—Campbell—An Act to amend Section 1009 of the Penal Code of the State of California, relating to the effect of an order allowing a demurrer.
Senate action and reference: pp. 154, 438, 439, 440.
- 399—Campbell—An Act to repeal Section 998 of the Penal Code of the State of California, relating to resubmission of case when motion to set aside indictment or information is granted.
Senate action and reference: pp. 154, 438, 439, 440.
- 400—Campbell—An Act to amend Section 802 of the Penal Code of the State of California, relating to the statute of limitations.
Senate action and reference: pp. 154, 785, 786.
- 401—Campbell—An Act to amend Section 1098 of the Penal Code of the State of California, relating to separate trials of persons jointly charged with felony.
Senate action and reference: pp. 154, 1329, 1586, 1638, 1639.
- 402—Campbell—An Act to amend Section 990 of the Penal Code of the State of California, relating to proceedings of arraignment.
Senate action and reference: pp. 155, 438, 439, 440.
- 403—Campbell—An Act to amend Section 686 of the Penal Code, relating to rights of a defendant in a criminal action.
Senate action and reference: p. 155.
- 404—Campbell—An Act to amend Section 1070 of the Penal Code, in respect to the number of peremptory challenges to jurors.
Senate action and reference: pp. 155, 438, 439, 440.
- 405—Campbell—An Act to amend Section 1093 of the Penal Code of the State of California, relating to trials.
Senate action and reference: pp. 155, 438, 439, 440.
- 406—Campbell—An Act to amend Section 1401 of the Penal Code of the State of California, relating to proof by affidavits and depositions and entitling thereof.
Senate action and reference: pp. 155, 1328, 1586, 1638, 1639.
- 407—Campbell—An Act to amend Section 2065 of the Code of Civil Procedure, relating to witnesses.
Senate action and reference: pp. 155, 438, 439, 440.
- 408—Campbell—An Act to amend Section 2051 of the Code of Civil Procedure.
Senate action and reference: pp. 154, 785, 786.
- 409—Campbell—An Act to repeal Section 1323 of the Penal Code, relating to defendants as witnesses.
Senate action and reference: pp. 155, 438, 439, 440.
- 410—Campbell—An Act to amend Section 1105 of the Penal Code of the State of California, relating to burden of proof.
Senate action and reference: pp. 155, 785, 786.
- 411—Campbell—An Act to amend Section 1096 of the Penal Code, relating to reasonable doubt.
Senate action and reference: pp. 155, 438, 439, 440.
- 412—Campbell—An Act to amend Section 1127 of the Penal Code of the State of California, relating to instructions to juries.
Senate action and reference: p. 155.
- 413—Campbell—An Act to amend Section 1170 of the Penal Code of the State of California, relating to exceptions allowed the defendant upon the trial.
Senate action and reference: pp. 155, 438, 439, 440.
- 414—Campbell—An Act to amend Section 1118 of the Penal Code of the State of California, relating to advice of court to jury to acquit defendant.
Senate action and reference: pp. 155, 438, 439, 440.
- 415—Campbell—An Act to amend Section 1172 of the Penal Code of the State of California, relating to exceptions that may be taken by the parties.
Senate action and reference: pp. 155, 438, 439, 440.
- 416—Campbell—An Act to amend Section 1181 of the Penal Code of the State of California, relating to a motion for a new trial.
Senate action and reference: pp. 155, 438, 439, 440.

- 417—Campbell—An Act to amend Section 4191 of the Penal Code of the State of California, relating to the time for pronouncing judgment.
Senate action and reference: pp. 155, 785, 786.
- 418—Campbell—An Act to amend Section 1201 of the Penal Code, relating to proceedings on judgment.
Senate action and reference: pp. 156, 785, 786.
- 419—Campbell—An Act to amend Section 1369 of the Penal Code, relating to trial of the question of insanity.
Senate action and reference: pp. 156, 785, 786.
- 420—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1210, relating to motions for new trial.
Senate action and reference: pp. 156, 785, 786.
- 421—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1209, relating to proceedings to set aside judgment.
Senate action and reference: pp. 155, 785, 786.
- 422—Campbell—An Act to amend Section 1182 of the Penal Code of the State of California, relating to motion for a new trial.
Senate action and reference: pp. 156, 784, 785, 786.
- 423—Campbell—An Act to amend Section 1186 of the Penal Code of the State of California, relating to a motion to set aside the judgment.
Senate action and reference: pp. 156, 784, 785, 786.
- 424—Campbell—An Act to amend Section 1185 of the Penal Code of the State of California, relating to a motion to set aside the judgment.
Senate action and reference: pp. 156, 784, 785, 786.
- 425—Campbell—An Act to amend Section 52 of the Code of Civil Procedure of the State of California, relating to the appellate jurisdiction of the Supreme Court, the District Courts of Appeal, and the Superior Court.
Senate action and reference: pp. 156, 438, 439, 440.
- 426—Campbell—An Act to amend Section 1207 of the Penal Code of the State of California, relating to the judgment roll.
Senate action and reference: pp. 156, 784, 785, 786.
- 427—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered 1208, relating to the time when the judgment becomes final.
Senate action and reference: pp. 156, 784, 785, 786.
- 428—Campbell—An Act to repeal Section 1176 of the Penal Code of the State of California, relating to charge of the court.
Senate action and reference: p. 156.
- 429—Campbell—An Act to amend Section 1235 of the Penal Code, relating to the right of appeal of the parties.
Senate action and reference: pp. 156, 784, 785, 786.
- 430—Campbell—An Act to amend Section 1239 of the Penal Code of the State of California, relating to the time for taking appeals.
Senate action and reference: pp. 156, 784, 785, 786.
- 431—Campbell—An Act to amend Section 1240 of the Penal Code of the State of California, providing how an appeal is taken.
Senate action and reference: pp. 157, 438, 440.
- 432—Campbell—An Act to amend Section 1237 of the Penal Code of the State of California, relating to the right of appeal of the defendant.
Senate action and reference: pp. 157, 784, 785, 786.
- 433—Campbell—An Act to amend Section 1246 of the Penal Code of the State of California, providing for the record on appeal by a defendant.
Senate action and reference: pp. 157, 784, 785, 786.
- 434—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1013, relating to lack of jurisdiction.
Senate action and reference: pp. 158, 438, 440.
- 435—Campbell—An Act to amend Section 1238 of the Penal Code of the State of California, relating to the right of appeal by the people.
Senate action and reference: pp. 157, 784, 785, 786.
- 436—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1246a, providing for the record on appeal by the people.
Senate action and reference: p. 157.
- 437—Campbell—An Act to amend Section 1008 of the Penal Code of the State of California, relating to proceedings on order allowing demurrer.
Senate action and reference: pp. 157, 438, 440.
- 438—Campbell—An Act to amend Section 1259 of the Penal Code of the State of California, relating to appeal by defendant.
Senate action and reference: pp. 157, 438, 440.

- 439—Campbell—An Act to repeal Sections 1171, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.
Senate action and reference: pp. 157, 784, 785, 786.
- 440—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247, relating to proceedings after verdict when the trial judge is unable or refuses to act.
Senate action and reference: pp. 157, 784, 785, 786.
- 441—Campbell—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 1247a, relating to the death or inability of the official reporter or the trial judge as to certifying transcript on appeal.
Senate action and reference: pp. 157, 784, 785, 786.
- 442—Campbell—An Act to amend Section 1246 of the Penal Code of the State of California, relating to judgment on appeal and allowance of certain costs to defendant.
Senate action and reference: pp. 157, 438, 440.
- 443—Campbell—An Act to amend Section 1258 of the Penal Code, relating to decision on appeal.
Senate action and reference: pp. 157, 784, 785, 786.
- 444—Savage—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties at the port of Wilmington and bay of San Pedro," approved March 19, 1889.
Senate action and reference: pp. 158, 492, 493, 804, 831, 832, 950, 1090, 1093, 1255, 1349.
- 445—Savage—An Act to provide for submitting to a vote of the people in cities of the fifth and sixth class the question as to whether a license to sell intoxicating liquors shall be granted by the trustees thereof.
Senate action and reference: pp. 158, 915.
- 446—Price—An Act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.
Senate action and reference: pp. 158, 285, 286, 1020, 1021, 1278, 1438, 1642, 1960, 2114.
Assembly action and reference: pp. 1395, 1396, 1617, 1692, 1693, 1829, 1920, 1924, 1925.
- 447—Price—An Act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.
Senate action and reference: pp. 158, 285, 286, 1020, 1021, 1278, 1438, 1642, 1960, 2114.
Assembly action and reference: pp. 1516, 1518, 1617, 1692, 1693, 1829, 1921, 1924, 1925.
- 448—Savage—An Act to amend an Act of the Legislature of the State of California entitled an Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom" (approved March 20, 1889; approved March 21, 1905).
Senate action and reference: pp. 164, 281, 282, 333, 339, 347, 401, 432, 455, 512, 531, 575, 625, 693, 736, 758, 853, 1021, 1071, 1609, 1859.
- 449—Savage—An Act to amend Section 1425 of the Penal Code of the State of California, relating to the jurisdiction of Justices' Courts.
Senate action and reference: p. 164.
- 450—Curtin—An Act to amend Section 4263 of the Political Code as amended in 1907, Statutes of 1907, pages 509, 540 and 511 thereof, relating to the compensation of officers in counties of the thirty-fourth class.
Senate action and reference: pp. 164, 239, 303, 360, 362, 396, 429, 454, 511, 560, 561, 574, 575, 1051, 1052, 1112, 1494.
Assembly action and reference: pp. 537, 538, 781, 871, 927.
- 451—Kennedy—An Act appropriating money to pay the claim of Leroy A. Wright against the State of California.
Senate action and reference: pp. 164, 284, 336, 339, 348, 781, 982, 1399.
Assembly action and reference: pp. 345, 567, 616, 745, 749, 775.

- 452—Miller—An Act to provide for the establishment and maintenance of a fish hatchery at or near Lemon Cove, in Tulare County, and making an appropriation therefor.
Senate action and reference: pp. 164, 1078.
Assembly action and reference: pp. 535, 537.
- 453—Miller—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.
Senate action and reference: pp. 164, 239, 303, 360, 362, 397, 429, 921, 922, 1078, 1495.
Assembly action and reference: pp. 415, 624, 799, 894.
- 454—Leavitt—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.
Senate action and reference: pp. 164, 927, 928.
- 455—Holohan—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, providing for the appointment of a state board of forestry, and the appointment of a state forester and relating to their duties and terms of office.
Senate action and reference: pp. 164, 787, 836, 918, 919, 1043, 1093, 1147, 1614.
- 456—Holohan—An Act to amend Sections 1197, 1205, 1211 of the Political Code, relating to elections within this State.
Senate action and reference: p. 165.
- 457—McCartney—An Act to provide for the appointment of a bake shop inspector and four deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bake shops and bakeries.
Senate action and reference: pp. 165, 286, 336, 349.
- 458—Sanford—An Act to provide for the levy and collection of tax on income.
Senate action and reference: pp. 165, 789, 838, 955, 1297, 1360, 1361, 1502, 1616.
- 459—Sanford—An Act to repeal Section 258 of the Penal Code.
Senate action and reference: p. 165.
- 460—Sanford—An Act to repeal Section 259 of the Penal Code.
Senate action and reference: p. 165.
- 461—Estudillo—An Act to amend Section 4131 of the Political Code, relative to the duties of county recorders.
Senate action and reference: pp. 165, 499.
- 462—Estudillo—An Act to add a new section to the Political Code, to be numbered 4140a, relative to the entry of instruments not entitled to record upon the books of county recorders, and prescribing a penalty therefor.
Senate action and reference: pp. 165, 499, 548, 595, 605, 606, 630, 707, 856, 1023, 1072, 1610.
- 463—Estudillo—An Act to amend section thirty-seven hundred and sixty-six of the Political Code of the State of California, relating to publication of delinquent tax list.
Senate action and reference: p. 165.
- 464—Wright—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners for the bay of San Diego of a seawall, wharves, piers, state railroad, spurs, betterments, and appurtenances, in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds, and to provide for the submission of this Act to a vote of the people.
Senate action and reference: pp. 165, 362, 924, 1299, 1360, 1361, 1448, 1449, 1450, 1637, 1639, 1662, 1960, 2114.
Assembly action and reference: pp. 1517, 1518, 1618, 1695, 1831, 1921, 1924, 1925.

- 465—Wright—An Act to provide for the construction of a section of seawall on the bay of San Diego, reclaiming tide lands, and making an appropriation therefor.
Senate action and reference: pp. 166, 363, 924, 1269, 1326, 1328, 1477, 1913, 1970.
Assembly action and reference: pp. 1395, 1396, 1504, 1604, 1605, 1789, 1920, 1924, 1925.
- 466—Wright—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.
Senate action and reference: pp. 166, 655, 656, 794, 847, 848, 1033, 1713, 1715, 1866, 2095.
Assembly action and reference: pp. 983, 1347, 1488, 1533.
- 467—Wright—An Act to amend Section 11 of an Act entitled "An Act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.
Senate action and reference: pp. 166, 218, 1107, 1322, 1437, 1438, 1485, 1638, 1639, 1654, 1661, 1662, 1963, 1964, 2115.
Assembly action and reference: pp. 1517, 1518, 1618, 1695, 1844.
- 468—Wright—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.
Senate action and reference: pp. 166, 217, 299, 313, 330, 2093.
Assembly action and reference: pp. 322, 1413, 1700, 1875, 1888.
- 469—Wright—An Act to license the use of the unsold tide lands of the State for oyster cultivation.
Senate action and reference: p. 169.
- 470—Wright—An Act making an appropriation to pay the claim of the Southern Construction Company, for the grading of Campus avenue, at the State Normal School, San Diego, California.
Senate action and reference: pp. 166, 284, 336, 349.
- 471—Wright—An Act to amend Section 1617 of the Political Code of California, relating to the general powers of boards of trustees and of education.
Senate action and reference: pp. 166, 202, 230, 297, 359, 362, 371, 1733, 1734, 1869.
Assembly action and reference: pp. 393, 394, 1319, 1487, 1585, 1609.
- 472—Campbell—An Act to amend section four hundred and eighty-five of the Civil Code, relating to the protection of right of way of railroads.
Senate action and reference: pp. 166, 1575, 1668, 1737.
- 473—Thompson—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the county, and fixing the responsibility from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.
Senate action and reference: pp. 166, 203, 231, 238, 295, 1733, 1794.
Assembly action and reference: pp. 296, 297, 1297, 1379, 1485, 1583.
- 474—Willis—An Act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.
Senate action and reference: pp. 166, 927, 1020, 1021, 1071, 1401, 1428, 1639, 1640.
- 475—Willis—An Act to divide the State of California into two fish and game districts.
Senate action and reference: p. 167.
- 476—Willis—An Act to create a fish and game preservation fund and to unite the "Fish Commission Fund" and the "Game Preservation Fund" into a common fund to be known as "Fish and Game Preservation Fund."
Senate action and reference: pp. 167, 526, 597, 653, 655, 857, 1394, 1395, 1654, 1759.
Assembly action and reference: pp. 914, 916, 1109, 1191, 1287, 1288.
- 477—Willis—An Act to amend Part III, Chapter III, Article I, of the Political Code of California by adding a new section to said Article I, to be numbered 344, relating to fish and game commissions.
Senate action and reference: pp. 167, 526, 597, 654, 655, 857, 858, 1294, 1560, 1759.
Assembly action and reference: pp. 914, 916, 1109, 1190, 1234.

- 478—Willis—An Act to amend Section 343 of the Political Code of California, relating to civil and executive officers.
Senate action and reference: pp. 167, 526, 598, 718, 720, 763, 764, 821, 824, 859.
Assembly action and reference: pp. 915, 916, 1913.
- 479—Willis—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom for game and fish preservation and restoration.
Senate action and reference: pp. 167, 327.
- 480—Cuttan—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of dredging out sand deposits in Humboldt Bay, for the purpose of improving the navigability thereof.
Senate action and reference: p. 167.
- 481—Cuttan—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.
Senate action and reference: pp. 167, 340.
- 482—Willis—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to provide for the formation, organization and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.
Senate action and reference: pp. 167, 479, 544, 545, 546, 654, 655, 701, 844, 845, 1037, 1495.
Assembly action and reference: pp. 629, 630, 704, 801, 869.
- 483—Reily—An Act to add a new section to the Penal Code of the State of California, to be known as No. 345, defining the duties and liabilities of junk dealers.
Senate action and reference: pp. 167, 1745, 1870.
- 484—Reily—An Act to add a new section to the Penal Code, to be numbered two hundred and sixty-six *h*, relating to male persons who live with or live off of, or accept the earnings of prostitutes, or any female, not the wife of such male person, and providing a punishment therefor.
Senate action and reference: pp. 167, 1678, 1830, 1833, 1900, 1901.
- 485—Wolfe—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, state railroad, spurs, betterments, and seawall appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of State officers in relation thereto, to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this Act to a vote of the people.
Senate action and reference: pp. 167, 283, 340, 341, 1138, 1198, 1199, 1200, 1201, 1369, 1374, 1741, 1742, 1885, 2095.
Assembly action and reference: pp. 1369, 1370, 1391, 1473, 1474, 1587, 1663, 1919, 1923, 1925.
- 486—Rush—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending Section 1 thereof as amended March 23, 1907, Section 2 thereof, as amended March 23, 1907, Section 4 thereof, Section 5 thereof, Section 6 thereof, Section 7 thereof, and Section 8 thereof, and by adding a new section thereto, to be known and numbered as Section 7½, providing for additional officers and employees and fixing their salaries.
Senate action and reference: pp. 171, 283.
- 487—Savage—An Act to amend Chapter I of Title VI of Part III of the Political Code by adding thereto an article to be numbered XI, providing for the regulation and control of wharves and public waters at and near San Pedro, in Los Angeles County.
Senate action and reference: p. 172.
- 488—McCartney—An Act to amend Section 1258 of the Penal Code, relating to judgments and decisions on appeal.
Senate action and reference: p. 172.
- 489—Price—An Act to form agricultural districts, to provide for the organization of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.
Senate action and reference: p. 172.

- 490—Birdsall—An Act to locate and procure a site and prepare plans and specifications for a building or buildings for a State Normal Training School, and to make an appropriation therefor.
Senate action and reference: pp. 172, 259, 1430, 1530, 1561, 1649.
Assembly action and reference: pp. 1516, 1518, 1921.
- 491—Kennedy—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918a, relating to rate of interest that may be agreed upon in written instruments.
Senate action and reference: p. 172.
- 492—Anthony—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.
Senate action and reference: pp. 172, 501, 553, 592, 595, 629.
- 493—Anthony—An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and for National Guard purposes, in the city and county of San Francisco, and to make appropriation therefor.
Senate action and reference: pp. 172, 930.
- 494—Anthony—An Act to provide for the registration and licensing of teachers of music in the State of California, providing for a state board of examiners in music, fixing fees and compensation.
Senate action and reference: p. 172.
- 495—Cuttan—An Act to amend Section 4240 of the Political Code, relating to the salaries, fees and mileage of officers and jurors in counties of the eleventh class.
Senate action and reference: pp. 172, 382, 461, 497, 498, 533, 921, 922, 1078, 1494.
Assembly action and reference: pp. 535, 537, 781, 871, 896.
- 496—Cartwright—An Act to amend Section 4014 of the Political Code, relating to the township officers.
Senate action and reference: p. 173.
- 497—Cartwright—An Act relating to city justices' courts in cities organized under a freeholders' charter wherein a police court is created having exclusive jurisdiction in all prosecutions for violations of the ordinances of such city and the enforcement of any obligation or liability prescribed or created by the ordinances of such city and providing for the appointment of a clerk of such court, prescribing the powers and duties and fixing the compensation of such clerk.
Senate action and reference: pp. 173, 1340, 1586, 1638, 1639.
- 498—Wolfe—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906.
Senate action and reference: p. 173.
- 499—Wolfe—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Court of Appeal.
Senate action and reference: p. 173.
- 500—Wolfe—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Bureau of Labor Statistics for
Senate action and reference: pp. 173, 522, 595, 639, 672, 792, 830, 948.
- 501—Sanford—An Act to amend Section 6314 of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.
Senate action and reference: pp. 173, 525, 597, 653, 655, 709, 857, 1026, 1072, 1611, 1859.
- 502—Sanford—An Act to amend Section 6264 of the Penal Code, relating to number of deer that may be taken or killed during an open season.
Senate action and reference: p. 173.
- 503—Wolfe—An Act to establish a State Board of Fish and Game Commissioners, and to define its powers.
Senate action and reference: p. 173.
- 504—Black—An Act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reequipping for the accommodation and treating of patients' buildings destroyed April 18, 1906, to appropriate the sum of three hundred seventy five thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.
Senate action and reference: pp. 181, 755, 1020, 1021, 1290, 1437, 1438, 1574.

- 505—Estudillo—An Act to amend section seventeen hundred and seventy-one of the Political Code of California, relative to the powers of the county board of education.
Senate action and reference: pp. 182, 565, 639, 718, 720, 861, 1741, 1742, 1743, 1885.
Assembly action and reference: pp. 915, 916, 1347, 1488, 1587, 1664.
- 506—Estudillo—An Act to add a new section to the Penal Code, to be numbered section two hundred and sixty-nine c, relating to adultery, and providing punishment therefor.
Senate action and reference: p. 182.
- 507—Estudillo—An Act to amend section two hundred and eighty-six of the Penal Code of the State of California, relating to crime against nature.
Senate action and reference: pp. 182, 359, 458, 482, 497, 498, 555, 579, 627, 700, 854, 1023, 1072, 1610, 1943.
- 508—Estudillo—An Act to provide for a state highway from Moreno to Beaumont, in Riverside County.
Senate action and reference: pp. 182, 286, 1325, 1326, 1590, 1669, 1737, 1772.
Assembly action and reference: pp. 1686, 1702, 1711, 1922, 1924, 1925.
- 509—Stetson—An Act to provide for the use of the credit of the State of California, for the establishment of a currency or an exchange medium.
Senate action and reference: pp. 182, 851, 972, 1002, 1093, 1342, 1616, 1942.
- 510—Curtin—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.
Senate action and reference: pp. 182, 448, 491, 496, 497, 556, 1393, 1654, 1559.
Assembly action and reference: pp. 537, 538, 1029, 1204, 1241, 1325, 1916.
- 511—Savage—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.
Senate action and reference: p. 182.
- 512—Sanford—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending Section 2 thereof, adding a new section, to be numbered 2a, and repealing Section 7 and Section 10b of said Act.
Senate action and reference: pp. 182, 362, 458, 496, 497, 515, 516, 1236, 1237, 1336, 1560, 2094.
Assembly action and reference: pp. 509, 510, 623, 870, 926, 963, 1135.
- 513—Sanford—An Act to amend Section 290a of the Civil Code, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.
Senate action and reference: pp. 182, 281, 333, 338, 339, 347, 401, 432, 454, 455, 512, 530, 531, 654, 655, 693, 735, 1231, 1232, 1559, 1729.
Assembly action and reference: pp. 752, 971, 1098, 1138.
- 514—Sanford—An Act amending Section 4274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.
Senate action and reference: pp. 182, 382, 461, 497, 498, 534, 654, 655, 696, 759, 853, 854, 1022, 1294, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1147, 1193, 1239.
- 515—Hurd—An Act to provide for health and development supervision in the public schools of the State of California.
Senate action and reference: pp. 183, 790, 838, 956, 1297, 1437, 1438, 1502, 1616.
- 516—Price—An Act to provide for the reappropriation of the unexpended balance of money appropriated by an Act entitled "An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.
Senate action and reference: pp. 183, 748, 749, 809, 823, 824, 1277, 1278, 1713, 1715, 1866.
Assembly action and reference: pp. 1267, 1269, 1317, 1487, 1488, 1530, 1918.

- 517—Price—An Act to amend Sections 1715 and 1716 of the Political Code, relating to school libraries.
Senate action and reference: p. 183.
- 518—Price—An Act to amend Section 1565 of the Political Code, referring to teachers' institute and library funds.
Senate action and reference: p. 183.
- 519—Price—An Act to provide county library systems.
Senate action and reference: p. 183.
- 520—Bills—An Act authorizing and directing the directors of the State Agricultural Society to have wells bored on the ground of the State Agricultural Society, near the city of Sacramento, State of California: to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.
Senate action and reference: pp. 183, 282, 418, 468, 475, 476, 542, 844, 845, 1034, 1399.
Assembly action and reference: pp. 536, 538, 626, 704, 800, 866, 1069, 1075.
- 521—Bills—An Act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.
Senate action and reference: pp. 183, 282, 418, 468, 475, 476, 542, 844, 845, 1034, 1399.
Assembly action and reference: pp. 536, 538, 626, 704, 800, 867, 1069, 1075.
- 522—Bills—An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated Machinery Hall: fixing the requirements thereof and making an appropriation therefor.
Senate action and reference: pp. 183, 282, 283, 418, 469, 542, 844, 845, 1034, 1399.
Assembly action and reference: pp. 536, 538, 626, 704, 800, 867, 1069, 1075.
- 523—Bills—An Act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as Agricultural Pavilion and Manufacturers' Pavilion.
Senate action and reference: pp. 182, 282, 418, 469, 475, 476, 542, 543, 844, 845, 1034, 1399.
Assembly action and reference: pp. 536, 588, 626, 704, 800, 867, 868, 1069, 1075.
- 524—Roseberry—An Act to provide for public cemetery districts.
Senate action and reference: pp. 184, 342, 378, 381, 457, 920, 1077, 1494.
Assembly action and reference: pp. 427, 564, 615, 764, 765, 773, 814, 905.
- 525—Burnett—An Act to regulate the building and occupancy of tenement houses in incorporated cities, and to provide penalties for the violation thereof.
Senate action and reference: pp. 184, 1062, 1162, 1163, 1164, 1369, 1424, 1425, 1607, 1656, 1661, 1963, 1964, 2115.
Assembly action and reference: pp. 1517, 1518, 1618, 1695, 1845.
- 526—Martinelli—An Act to amend Section 22½ of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof: the calling of election in such district: the assessment, levy, collection, custody, and disbursement of taxes therein: the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.
Senate action and reference: pp. 184, 259, 304, 305, 360, 362, 397, 398, 440, 441, 511, 921, 922, 1078, 1727.
Assembly action and reference: pp. 509, 510, 809, 876, 899.
- 527—Martinelli—An Act to add a new section to the Penal Code, to be numbered 556, to prevent fraud in the sale of commodities baled, boxed, crated or otherwise packed for sale and delivery.
Senate action and reference: p. 184.
- 528—Martinelli—An Act to amend section seven hundred and thirty-nine of the Political Code of the State of California.
Senate action and reference: p. 184.

- 529—Martinelli—An Act to add a new section to the Penal Code, to be numbered 626*n*, to prohibit the hunting of ducks in motor boats.
Senate action and reference: p. 184.
- 530—Estudillo—An Act to conserve the artesian and underground waters of the State.
Senate action and reference: pp. 184, 789, 838, 918, 1148, 1610.
Assembly action and reference: pp. 1477, 1478, 1621, 1698.
- 531—Caminetti—An Act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest, or devise.
Senate action and reference: pp. 184, 315, 351, 361, 362, 407, 921, 1078, 1493.
Assembly action and reference: pp. 407, 785, 875, 898.
- 532—Leavitt—An Act to repeal section seventeen hundred and thirty-seven of the Code of Civil Procedure of the State of California, relating to public administrators.
Senate action and reference: p. 205.
- 533—Leavitt—An Act to make an appropriation to pay the per diem and mileage of the Lieutenant Governor and Senators for the thirty-eighth session of the Legislature of the State of California during the sixtieth fiscal year.
Senate action and reference: pp. 205, 260, 261, 307, 313, 332, 520, 652, 655, 984.
Assembly action and reference: pp. 322, 385, 392, 455, 468.
- 534—Welch—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and a state inspector of plumbing, and defining their duties, and providing for the licensing of plumbers.
Senate action and reference: p. 205.
- 535—Welch—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895," approved March 23, 1901," approved March 18, 1905.
Senate action and reference: pp. 205, 611, 692, 693, 804, 916, 919, 1140, 1613, 1751, 1752.
- 536—Welch—An Act to provide for the transfer from the general fund of the State treasury to the San Francisco Harbor Improvement Fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco Harbor Improvement Fund for the cost of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the State Controller and State Treasurer to make such transfer.
Senate action and reference: pp. 205, 390, 747, 748.
- 537—Welch—An Act to amend Section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the Board of State Harbor Commissioners.
Senate action and reference: pp. 205, 611, 692, 693, 805, 846, 916, 919.
- 538—Stetson—An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.
Senate action and reference: pp. 206, 923, 924, 1224, 1313, 1314, 1741, 1743, 1791, 1901, 2096.
Assembly action and reference: pp. 1266, 1268, 1365, 1492, 1588, 1704.
- 539—Stetson—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.
Senate action and reference: pp. 206, 923, 924, 1272, 1273, 1326, 1328, 1357, 1713, 1715, 1866.
Assembly action and reference: pp. 1348, 1349, 1389, 1494, 1495, 1543, 1919, 1920, 1925.
- 540—Stetson—An Act making an appropriation of six thousand five hundred and twenty-seven and 12-100 dollars (\$6,527.12) to pay the regents of the University of California for moneys appropriated by them to make good losses by fire and disaster, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action and reference: pp. 206, 925, 1273, 1437, 1438, 1580, 1913, 1970.
Assembly action and reference: pp. 1460, 1504, 1604, 1789, 1790, 1921, 1924, 1925.

- 541—Stetson—An Act to provide for investigations of plant diseases and pests, and making an appropriation therefor.
Senate action and reference: pp. 206, 283, 924.
- 542—Stetson—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.
Senate action and reference: pp. 206, 283, 924.
- 543—Stetson—An Act making an appropriation of fifteen thousand dollars for viticultural investigation.
Senate action and reference: pp. 206, 441, 993.
- 544—Stetson—An Act making an appropriation of nineteen thousand dollars (\$19,000.00) for the enlargement of the photographic laboratory and fire-proof vault for astronomical photographs and plates at the Lick Observatory, in Santa Clara County, and for the provision of additional equipment for the Lick Observatory and for astronomical photographs.
Senate action and reference: pp. 206, 442, 1180, 1273, 1541, 1542, 1581, 1582, 1957, 1958, 1980, 2116.
Assembly action and reference: pp. 1460, 1673, 1714, 1833.
- 545—Stetson—An Act to appropriate the sum of two hundred thousand dollars (\$200,000), toward the erection of an agricultural building for the University of California.
Senate action and reference: pp. 206, 244.
- 546—Stetson—An Act making an appropriation for the purchase and acquisition of lands for the University of California.
Senate action and reference: pp. 206, 660, 764.
- 547—Stetson—An Act making an appropriation of eight hundred and six and 23-100 dollars (\$806.23) to repay the regents of the University of California for moneys appropriated by them to complete the light and power plant at the Lick Observatory.
Senate action and reference: p. 206.
- 548—Stetson—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.
Senate action and reference: pp. 206, 413, 466, 497, 498, 538, 1713, 1715, 1866.
Assembly action and reference: pp. 536, 538, 1211, 1484, 1524.
- 549—Stetson—An Act to amend Section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.
Senate action and reference: pp. 207, 259, 304, 360, 362, 397, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 407, 408, 907, 991, 1094, 1095.
- 550—Stetson—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345, relating to concealing the actual rate of interest for the use of money.
Senate action and reference: pp. 207, 689, 802, 847, 848, 1121.
- 551—Stetson—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known as Section 345a, relating to the amount of interest to be charged on loans.
Senate action and reference: p. 207.
- 552—Strobridge—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.
Senate action and reference: pp. 207, 281, 282, 334, 339, 347, 348, 361, 362, 401, 402, 420, 421, 493, 497, 498, 519.
Assembly action and reference: pp. 780, 870, 895, 931, 964, 1211, 1811.
- 553—Savage—An Act to add nine sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered and designated as Sections 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, all relating to the establishment of a Board of State Harbor Commissioners for the port of San Pedro.
Senate action and reference: pp. 207, 281, 282, 334, 339, 347, 402, 432, 455, 512, 531, 575, 625, 693, 736, 758, 853, 1021, 1071, 1609, 1610, 1859.
- 554—Martinelli—An Act to add a new section to the Penal Code of the State of California, to be numbered 667, relating to punishment for second offenses.
Senate action and reference: pp. 207, 500, 549, 654, 655, 705, 855, 1389, 1391, 1653, 1729.
Assembly action and reference: pp. 914, 916, 1149, 1242, 1289.
- 555—Martinelli—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.
Senate action and reference: pp. 207, 500, 549, 654, 655, 705, 855, 1389, 1391, 1653, 1729.
Assembly action and reference: pp. 914, 916, 1149, 1242, 1290.

- 556—Martinelli—An Act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred and ninety-two *a*, relating to the ascertainment of facts relating to the records of persons convicted of offenses, punishable by imprisonment in the State prison.
Senate action and reference: pp. 207, 500, 550, 654, 655, 705, 855, 1389, 1391, 1653, 1729.
Assembly action and reference: pp. 914, 916, 1149, 1242, 1290.
- 557—Sanford—An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.
Senate action and reference: pp. 207, 526, 527.
- 558—Sanford—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901.
Senate action and reference: pp. 207, 527, 599, 689, 860, 1026, 1072, 1073, 1492, 1688.
Assembly action and reference: pp. 1031, 1032, 1213, 1344, 1355.
- 559—Sanford—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 3, 1883.
Senate action and reference: pp. 208, 414, 415, 467, 497, 498, 539, 577, 578, 655, 698, 1394, 1395, 1491, 1687, 2094.
Assembly action and reference: pp. 629, 630, 780, 870, 896, 897, 1286, 1372.
- 560—Finn—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.
Senate action and reference: pp. 208, 1468, 1593, 1737, 1773, 1857, 1879.
- 561—Cutten—An Act to amend Section 637*a* of the Penal Code of California and to add thereto three new sections, to be numbered 637*b*, 637*c*, and 637*d*, all relating to protection of wild birds other than game birds and their nests and eggs.
Senate action and reference: p. 208.
- 562—Campbell—An Act relating to the liability of common carriers for the violation of any law of the State of California, or any order of the Board of Railroad Commissioners of this State.
Senate action and reference: p. 208.
- 563—Wright—"An Act defining trusts, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, associations or persons connected with them, and to promote free competition in commerce and all classes of business in this State."
Senate action and reference: pp. 208, 687, 688, 801, 847, 848, 1120, 1612, 1613, 1859.
- 564—Boynton—An Act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.
Senate action and reference: pp. 208, 525, 596, 605, 606, 638, 826, 1034, 1493.
Assembly action and reference: pp. 568, 569, 703, 801, 822.
- 565—Boynton—An Act fixing, establishing and defining the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.
Senate action and reference: pp. 208, 1355, 1463, 1561, 1858, 1988, 1989, 2117.
Assembly action and reference: pp. 628, 629, 703, 801, 869.
- 566—Caminetti—An Act to amend Sections 15, 16, 17, 18 and 19 of an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and as amended by Act approved February 27, 1893; and to add thereto three new sections, to be numbered Section 15*a*, Section 15*b*, and Section 15*c*, respectively; all relating to commitments to, or paroles and discharges from said school.
Senate action and reference: pp. 208, 1355, 1463, 1561, 1858, 1988, 1989, 2117.
Assembly action and reference: pp. 1728, 1761, 1777, 1881.

- 567—Bates—An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees.
Senate action and reference: pp. 208, 566.
- 568—Boynton—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.
Senate action and reference: pp. 220, 441.
- 569—Boynton—An Act to reimburse the University of California for money advanced for the use of the University Farm and Agricultural School.
Senate action and reference: p. 220.
- 570—Boynton—An Act to add a new section to the Political Code, to be known as Section 1197c thereof, providing for the rotation of the names of candidates in certain groups on the ballot.
Senate action and reference: pp. 220, 752, 753, 814, 823, 1146, 1613.
- 571—Willis—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relative to the adoption of children.
Senate action and reference: p. 221.
- 572—Willis—An Act to amend Section 758 of the Political Code of California, relating to salaries of the clerks of District Courts of Appeal.
Senate action and reference: pp. 221, 608, 672, 689, 763.
- 573—Walker—An Act to amend Section 717 of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.
Senate action and reference: pp. 221, 609, 610, 1513, 1593.
- 574—McCartney—An Act to add a new section to the Political Code, to be numbered Section 4052b, relating to the disposition of property of the counties.
Senate action and reference: pp. 221, 688, 802, 822, 824, 878.
- 575—McCartney—An Act to amend Section 1430 of the Penal Code of California, relating to trial before a justice's court.
Senate action and reference: p. 221.
- 576—McCartney—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in the Superior Court," and to provide for the taking down and transcribing of findings and judgments and official correspondence.
Senate action and reference: p. 221.
- 577—McCartney—An Act in relation to the intersections and crossings of the tracks and roadbeds of railroads laid in, across or upon any public highway in this State.
Senate action and reference: p. 221.
- 578—Anthony—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers and compensation; providing for a secretary and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing for a course of procedure where any person, firm, association, corporation, or society has received, held, distributed or disposed of or is receiving, holding, distributing or disposing of the trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted or bequeathed for the relief of any sufferers from any earthquake, conflagration or other disasters; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.
Senate action and reference: pp. 221, 1720, 1832, 1869, 1870.
- 579—Anthony—An Act to define and punish bribery and offers to bribe.
Senate action and reference: p. 222.
- 580—Price—An Act to provide for a school of library training.
Senate action and reference: pp. 222, 359.
- 581—Price—An Act amending Section 2300 of the Political Code, relating to the State Library Fund.
Senate action and reference: pp. 222, 237, 522, 595, 639, 655, 860.

- 582—Price—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.
Senate action and reference: pp. 222, 875, 976, 1093, 1344.
- 583—Wolfe—An Act to amend Section 534 of the Political Code.
Senate action and reference: pp. 222, 261, 308, 361, 362, 400, 746, 821, 824, 984.
Assembly action and reference: pp. 307, 308, 484, 525, 534, 612, 613, 669, 746, 749.
- 584—Thompson—An Act to amend sections four hundred and eighty-four, four hundred and eighty-five, four hundred and eighty-six and five hundred of the Political Code, relating to the salary of the Surveyor General and the salaries of appointees in the office of the Surveyor General and Register of the State Land Office, and to repeal all laws in conflict therewith.
Senate action and reference: pp. 222, 875, 978, 1093, 1345.
Assembly action and reference: pp. 1348, 1349, 1367, 1591, 1919, 1923, 1925.
- 585—Price—An Act to amend Sections 654, 684 and 685 of the Political Code, relating to the Board of Examiners.
Senate action and reference: pp. 222, 875, 976, 1093, 1223, 1713, 1715, 1866, 2094.
Assembly action and reference: pp. 1216, 1217, 1317, 1487, 1488, 1530, 1917, 1923, 1925.
- 586—Price—An Act to amend Section 384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be numbered 387, relating to the powers of the Governor, his salary and the salaries of certain appointees.
Senate action and reference: pp. 222, 875, 979, 982, 1350.
Assembly action and reference: pp. 1348, 1349, 1919.
- 587—Sanford—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.
Senate action and reference: pp. 239, 362, 458, 496, 497, 516, 517, 1293, 1334, 1335, 1560, 1759.
Assembly action and reference: pp. 509, 510, 624, 870, 962, 1135, 1136, 1238.
- 588—Estudillo—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.
Senate action and reference: pp. 239, 359, 522, 595, 655, 707, 856, 857, 1056, 1057, 1283, 1713, 1866.
Assembly action and reference: pp. 1267, 1269, 1317, 1487, 1488, 1531, 1918, 1923, 1925.
- 589—Hartman—An Act authorizing the payment of pensions by the State of California to certain fathers and mothers, being citizens of the United States and residents of the State of California.
Senate action and reference: pp. 239, 926, 1299, 1360, 1361, 1486.
- 590—Welch—An Act to amend Section 425 of the Political Code of the State of California.
Senate action and reference: pp. 239, 442, 490, 496, 497, 555, 925, 1237, 1238, 1369, 1476, 1793, 1794, 1902, 2097.
Assembly action and reference: pp. 1395, 1396, 1416, 1596, 1644, 1920, 1924, 1925.
- 591—Savage—An Act to prevent usury.
Senate action and reference: p. 239.
- 592—Savage—An Act establishing a legal rate of interest; prohibiting the taking of greater interest and providing that persons paying greater interest may recover same within one year; providing when district attorney may recover excess; declaring contracts for greater sums void; compelling offenders to answer bills of discovery; exonerating from further penalty after discovery and return of excess; exempting parties filing bill in chancery after discovery from depositing the principal sum or interest; providing how months and days are to be considered in casting interest, and providing that interest shall be calculated by the year when no time for that purpose is stated.
Senate action and reference: p. 239.

- 593—Price—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.
Senate action and reference: pp. 240, 875, 975, 1093, 1344, 1793, 1794, 1902.
Assembly action and reference: pp. 1348, 1349, 1412, 1416, 1596, 1637, 1638, 1920, 1924, 1925.
- 594—Price—An Act to amend an Act, approved February 28, 1907, entitled "An Act to authorize the deposit of State moneys in banks in this State and to repeal all Acts and parts of Acts in conflict with this Act."
Senate action and reference: pp. 240, 569, 646, 719, 720, 737, 777, 863, 864.
Assembly action and reference: pp. 915, 917, 1913.
- 595—Price—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.
Senate action and reference: pp. 240, 569, 646, 719, 720, 864.
Assembly action and reference: pp. 915, 917, 1913.
- 596—Price—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.
Senate action and reference: pp. 240, 569, 646, 655, 864.
Assembly action and reference: pp. 915, 917, 1913.
- 597—Price—An Act to amend Section 675 of the Political Code of the State of California, relating to the counting of the money in the State treasury and the duties of the Treasurer, Controller and Board of Examiners in connection therewith.
Senate action and reference: pp. 240, 569, 647, 655, 864, 865.
Assembly action and reference: pp. 915, 917, 1913.
- 598—Price—An Act to amend Section 3866 of the Political Code, relating to settlements with the Controller and payments into the State treasury.
Senate action and reference: pp. 240, 569, 647, 655, 865.
Assembly action and reference: pp. 915, 917, 1913.
- 599—Price—An Act to amend Section 435 of the Political Code, relating to the duties of the State Controller.
Senate action and reference: pp. 240, 569, 646, 719, 720, 864.
Assembly action and reference: pp. 915, 917, 1913.
- 600—Martinelli—An Act authorizing the State Board of Prison Directors to fix the price, terms and conditions of sale at which jute bags should be sold for the State, providing for the prosecution and punishment for offenses under the same, and repealing certain Acts.
Senate action and reference: pp. 240, 482, 546, 547, 689, 701, 855, 938, 1090, 1093, 1610.
- 601—Martinelli—An Act making an appropriation to reimburse the county of Marin for the support of orphans, half orphans and abandoned children in 1904.
Senate action and reference: p. 240.
- 602—Black—An Act to add a new section to the Penal Code, to be known as "Section 172a," relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors within one and one-half miles of the University grounds of Leland Stanford Junior University in Santa Clara County.
Senate action and reference: pp. 240, 915.
- 603—Black—An Act to validate the organization and incorporation of municipal corporations of the sixth class.
Senate action and reference: p. 241.
- 604—Black—An Act to amend section five hundred and fifteen of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the Superintendent of Public Instruction and to fix their compensation.
Senate action and reference: pp. 241, 316, 1021, 1303, 1389, 1438.
- 605—Cutten—An Act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the State.
Senate action and reference: pp. 241, 1102, 1103, 1477, 1541, 1542, 1680, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1696, 1846, 1847.
- 606—Cutten—An Act to amend section twenty hundred and twenty of the Code of Civil Procedure of California, relating to taking testimony of a witness out of the State.
Senate action and reference: pp. 241, 1103, 1478, 1638, 1639, 1683, 1884, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1696, 1847.

- 607—Cutten—An Act to amend Section 1327 of the Code of Civil Procedure of California, relating to the contest of wills or the probate thereof.
Senate action and reference: pp. 241, 1513, 1687, 1710.
- 608—Cutten—An Act to amend Section 1678 of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.
Senate action and reference: pp. 241, 1103, 1478, 1542, 1680, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1696, 1847.
- 609—Cutten—An Act to amend Section 422 of the Code of Civil Procedure of California, relating to cross-complaint.
Senate action and reference: pp. 241, 1103, 1479, 1638, 1639, 1684, 1964, 2116.
Assembly action and reference: pp. 1577, 1579, 1620, 1696, 1847, 1848.
- 610—Cutten—An Act to amend Section 1723 of the Code of Civil Procedure of California, relating to the disposition of life estates of homesteads of community property in certain cases and joint tenancies.
Senate action and reference: pp. 241, 1103, 1478, 1542, 1680, 1964, 2116.
Assembly action and reference: pp. 1572, 1578, 1620, 1696, 1848.
- 611—Cutten—An Act to amend Sections 337 and 339 of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.
Senate action and reference: pp. 241, 1513, 1686, 1737.
- 612—Cutten—An Act to amend Section 1454 of the Code of Civil Procedure of California, relating to the collection of money belonging to estates of deceased persons, and on deposit in banks.
Senate action and reference: pp. 241, 1719, 1720, 1721.
- 613—Cutten—An Act to amend Sections 1490, 1493, 1494, 1495, 1496, and 1504, of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.
Senate action and reference: pp. 241, 1719, 1720, 1721.
- 614—Cutten—An Act to amend Section 726 of the Code of Civil Procedure of California, relating to foreclosure suits.
Senate action and reference: pp. 241, 1719, 1720, 1721.
- 615—Cutten—An Act to amend Section 1991 of the Code of Civil Procedure of California, providing for the punishment of a witness who disobeys his subpoena, or who refuses to be sworn, or to answer questions, or to subscribe an affidavit or deposition when required.
Senate action and reference: pp. 241, 1719, 1720, 1721.
- 616—Cutten—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in appellate courts.
Senate action and reference: pp. 242, 1513, 1687, 1737.
- 617—Cutten—An Act to amend Section 1194 of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.
Senate action and reference: pp. 242, 1719, 1720, 1721.
- 618—Cutten—An Act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.
Senate action and reference: pp. 242, 1103, 1478, 1542, 1681, 1981, 2116.
Assembly action and reference: pp. 1577, 1578, 1621, 1698, 1861.
- 619—Cutten—An Act to amend section seventeen hundred and seventy-four *a* of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians.
Senate action and reference: pp. 242, 1512, 1686, 1710.
- 620—Cutten—An Act to amend Section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.
Senate action and reference: pp. 242, 1103, 1479, 1638, 1639, 1684, 1964, 2116.
Assembly action and reference: pp. 1577, 1579, 1620, 1697, 1848.
- 621—Cutten—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.
Senate action and reference: pp. 242, 1512, 1686, 1710.
- 622—Cutten—An Act to amend Section 850 of the Code of Civil Procedure of California, relating to notice of trial or hearing thereof in Justices' Courts.
Senate action and reference: pp. 242, 1103, 1470, 1638, 1639, 1684, 1964, 2116.
Assembly action and reference: pp. 1577, 1579, 1620, 1697, 1848.

- 623—Stetson—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.
Senate action and reference: pp. 242, 358, 458, 474, 476, 515, 1733, 1734, 1790, 1901, 2097.
Assembly action and reference: pp. 509, 510, 1211, 1343, 1475, 1582, 1704.
- 624—Stetson—An Act to define personal property brokers and regulate their charge and business.
Senate action and reference: pp. 242, 750, 812, 917, 919, 1145, 1178, 1315, 1980, 2116.
Assembly action and reference: pp. 1266, 1268, 1502, 1692, 1820, 1821, 1866.
- 625—Stetson—An Act to amend Sections 4, 14, and 19 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collaterals, inheritances, bequests, and devises,' to provide for the collection and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and to add a new section thereto, to be known and numbered as Section 14½.
Senate action and reference: pp. 242, 690, 803, 847, 848, 1140, 1733, 1734, 1735, 1790, 1791, 1893, 2167.
Assembly action and reference: pp. 1151, 1301, 1486, 1593, 1727.
- 626—Wright—An Act to amend an Act entitled "An Act to provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places without municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits," approved March 11, 1893.
Senate action and reference: p. 243.
- 627—Weed—An Act appropriating money for a state highway from Alturas to New Pine Creek.
Senate action and reference: p. 243.
- 628—Burnett—An Act to provide for the establishment, maintenance and control of a sanatorium for the treatment of tuberculosis and making appropriation therefor.
Senate action and reference: pp. 243, 1431.
- 629—Holohan—An Act to amend Sections 1465, 1474, and 1475, of the Code of Civil Procedure, all relating to the homesteads of deceased persons and the support of their families.
Senate action and reference: p. 243.
- 630—Holohan—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled 'An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes,'" .
Senate action and reference: pp. 243, 610, 673, 674, 719, 720, 868, 1030, 1093, 1174, 1713, 1715, 1866.
Assembly action and reference: pp. 1197, 1198, 1319, 1526.
- 631—Bills—An Act adding a new section to the Penal Code, to be known as Section 1231, relating to application to the State Board of Health by a person condemned to death for a physical examination, and for their recommendation to the Governor that such person is physically fit for medical treatment, tests or experiments in the interest of science, and providing for their recommendation in such matter and the relieving of such person.
Senate action and reference: p. 243.
- 632—Wolfe—An Act to amend an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Senate action and reference: pp. 243, 500, 501, 552, 592, 594, 628, 706, 1045, 1046, 1112, 1494.
Assembly action and reference: pp. 628, 629, 784, 874, 898, 959, 960.

- 633—Wolfe—An Act to amend an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.
Senate action and reference: pp. 243, 501, 552, 592, 594, 628, 707, 921, 922, 1078, 1493.
Assembly action and reference: pp. 628, 629, 781, 897.
- 634—Hurd—An Act to amend Section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.
Senate action and reference: pp. 244, 413, 464, 497, 498, 537, 1733, 1735, 1869, 2095.
Assembly action and reference: pp. 536, 538, 1301, 1486, 1584, 1609.
- 635—Boynton—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relative to the compensation of executors and administrators.
Senate action and reference: pp. 244, 381, 460, 496, 498, 517, 532, 533, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 535, 537, 907, 991, 1095.
- 636—Boynton—An Act to amend Section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.
Senate action and reference: pp. 244, 381, 459, 475, 476, 516, 532, 1132, 1133, 1256, 1727.
Assembly action and reference: pp. 535, 537, 907, 991, 1095.
- 637—Boynton—An Act to provide for the construction of buildings and structures and repairs to the same on the University Farm at Davis, and appropriating money therefor.
Senate action and reference: pp. 244, 442, 717, 718, 805, 822, 824, 1288, 1289, 1914, 1970.
Assembly action and reference: pp. 1268, 1270, 1457, 1599, 1782, 1918, 1924, 1925.
- 638—Boynton—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University Farm and Agricultural School at Davis, and appropriating money therefor.
Senate action and reference: pp. 244, 442, 717, 718, 805, 822, 824, 1288, 1289, 1914, 1970.
Assembly action and reference: pp. 1268, 1270, 1389, 1494, 1495, 1543, 1918, 1920, 1925.
- 639—Lewis—An Act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.
Senate action and reference: pp. 244, 755, 986, 987, 1280, 1327, 1328, 1405.
- 640—Lewis—An Act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant, consisting of all necessary fixtures and equipments, and to make an appropriation therefor.
Senate action and reference: pp. 244, 755.
- 641—Cutten—An Act to amend Section 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as Section 2568½, also relating to the Board of Harbor Commissioners of the port of Eureka.
Senate action and reference: pp. 244, 692, 784, 834, 846, 918, 919.
- 642—Caminetti—An Act to divide the State of California into fish and game districts.
Senate action and reference: p. 244.
- 643—Wright—An Act to provide for the issuance and sale of State bonds to create a fund for the purpose of making a safe and suitable harbor in the city and county of San Francisco, in India Basin and the tidal basin contiguous thereto, north of said India Basin, and extending therefrom to Islais Creek, in said city and county, by dredging said basins and constructing in and about the same, wharves, docks, piers, bulkheads, approaches and appurtenances; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.
Senate action and reference: p. 245.
- 644—Sanford—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State, on granting equal suffrage.
Senate action and reference: p. 261.

- 645—Curtin—An Act to amend Section 4268 of the Political Code of California, relating to salaries and compensation of officers, jurors and witnesses in counties of the thirty-ninth class.
Senate action and reference: pp. 261, 567, 568, 640, 641, 718, 720, 846.
- 646—Curtin—An Act to amend Section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.
Senate action and reference: pp. 261, 315, 875, 974, 1092, 1093, 1094.
- 647—Curtin—An Act to amend Sections 3627, 3680, 3692, 3839, 3843, 3845, and 3854 of the Political Code, relating to the assessment, equalization, and collection of taxes of the State and counties.
Senate action and reference: pp. 261, 442, 490, 521, 556, 558, 655, 700, 737, 854, 855, 1294, 1295, 1560, 1728.
Assembly action and reference: pp. 914, 916, 1046, 1100, 1235.
- 648—Weed—An Act to amend Section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.
Senate action and reference: pp. 261, 382, 461, 462, 497, 498, 534, 654, 655, 696, 697, 765, 854, 1390, 1391, 1654, 1759.
Assembly action and reference: pp. 914, 916, 1150, 1243, 1290.
- 649—Miller—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.
Senate action and reference: pp. 261, 420, 469, 497, 498, 554, 578, 627, 1045, 1046, 1047, 1112, 1494.
Assembly action and reference: pp. 568, 569, 784, 872, 873, 874, 961.
- 650—Miller—An Act to amend Section 922 of the Code of Civil Procedure of the State of California, relating to Justices' Courts.
Senate action and reference: pp. 262, 1061, 1068, 1136, 1322, 1365, 1793, 1794, 1902.
Assembly action and reference: pp. 915, 917, 1029, 1099, 1139.
- 651—Wolfe—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1046a, relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.
Senate action and reference: pp. 261, 1061, 1068, 1136, 1322, 1365, 1793, 1794, 1902.
Assembly action and reference: pp. 1348, 1349, 1388, 1592, 1634.
- 652—Bills—An Act authorizing and empowering Reclamation District No. 791 to construct and maintain jointly or in connection with any person, firm, corporation, reclamation district, levee district, and drainage district, public agency or municipal corporation for the construction and maintenance of joint levees or other joint work of reclamation.
Senate action and reference: pp. 262, 419, 420, 469, 475, 476, 554, 578, 627, 698, 699, 765, 854, 1022, 1293, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1108, 1190, 1234, 1235.
- 653—Bills—An Act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm, or corporation, for the purpose of irrigation, or for any other lawful use.
Senate action and reference: pp. 262, 381, 382, 419, 420, 469, 475, 476, 554, 578, 627, 1293, 1560, 1729.
Assembly action and reference: pp. 629, 630, 1106, 1190, 1234.
- 654—Bills—An Act authorizing the payment of assessments levied in Reclamation District No. 791 to be paid to the county treasurer of the county of Sacramento.
Senate action and reference: pp. 262, 382, 419, 420, 469, 475, 476, 554, 578, 627, 699, 765, 854, 945.
- 655—Bills—An Act to amend Sections 3197, 3198, and 3199 of the Political Code.
Senate action and reference: pp. 262, 381, 459, 460, 496, 498, 517, 779, 780, 852, 934, 1078.
Assembly action and reference: pp. 509, 510, 566, 617, 764, 947.
- 656—Burnett—An Act to amend Sections 950, 951, 952, 956, 957, 958, 959, 961, 962, 963, 964, 965, 966, 967, 968, 969, and 971 of the Penal Code of the State of California, relating to rules of pleadings and the form of the indictment or information, and providing for a specification of facts to be furnished by the district attorney in connection with the indictment or information.
Senate action and reference: p. 262.
- 657—Burnett—An Act to amend Section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.
Senate action and reference: pp. 262, 569, 648, 719, 720, 865, 866, 1028, 1074, 1126, 1313, 1314, 1318.
Assembly action and reference: pp. 1266, 1268, 1732.

- 658—Burnett—An Act to amend Section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 274a, relating to phonographic reporter, his competency and compensation.
Senate action and reference: pp. 262, 569, 648, 719, 720, 865, 866, 1028, 1074, 1125, 1126, 1313, 1314, 1318, 1988, 1989, 2117.
Assembly action and reference: pp. 1266, 1268, 1732.
- 659—Burnett—An Act to repeal Sections 1170, 1171, 1172, 1173, 1174, 1175, and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.
Senate action and reference: pp. 262, 525, 596, 605, 606, 638, 708, 857, 1023, 1024, 1093, 1125, 1313, 1314, 1318, 1319, 2092, 2093, 2118.
Assembly action and reference: pp. 1266, 1269, 1502, 1772, 1875, 1876.
- 660—Burnett—An Act to add new sections to the Penal Code of the State of California, to be known as numbers 747, 747a, 747b, 747c, 747d, and 747e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the Superior Court to the Supreme Court or the District Court of Appeal, in criminal cases.
Senate action and reference: pp. 262, 569, 648, 719, 720, 865, 1028, 1074, 2092, 2093, 2118.
Assembly action and reference: pp. 1031, 1032, 1502, 1772, 1876, 1887.
- 661—Burnett—An Act to amend Sections 1239, 1240, 1241, and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.
Senate action and reference: pp. 263, 569, 648, 719, 720, 865, 1028, 1074, 2092, 2118.
Assembly action and reference: pp. 1031, 1032, 1502, 1772, 1876, 1887.
- 662—Burnett—An Act to amend Section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.
Senate action and reference: pp. 263, 569, 647, 655, 865, 1028, 1073.
Assembly action and reference: pp. 1031, 1032, 1503, 1772.
- 663—Burnett—An Act to amend Sections 1191 and 1202 of the Penal Code of the State of California, relating to the time for pronouncing and rendering judgment.
Senate action and reference: pp. 263, 569, 649, 719, 720, 663, 1029, 1075, 2092, 2093, 2118.
Assembly action and reference: pp. 1031, 1032, 1503, 1773, 1877, 1888.
- 664—Burnett—An Act to amend Sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.
Senate action and reference: pp. 263, 569, 647, 655, 865, 1028, 1073, 2093, 2118.
Assembly action and reference: pp. 1031, 1032, 1503, 1773, 1877, 1878, 1888.
- 665—Campbell—An Act to amend Section 628 of the Penal Code, and inserting three new sections therein, all relating to abalones, and other fish.
Senate action and reference: p. 263.
- 666—Campbell—An Act to prohibit the catching of lobster and crawfish for a certain term.
Senate action and reference: p. 263.
- 667—Boynton—An Act to amend Section 3671 of the Political Code, relating to taxes.
Senate action and reference: pp. 263, 362, 459, 496, 497, 516, 517, 532, 576, 626, 1294, 1295, 1349, 1561, 1728.
Assembly action and reference: pp. 568, 569, 973, 1099, 1234.
- 668—Boynton—An Act to provide for the extension of the light, heating, power, water and sewer systems at the University Farm and Agricultural School at Davis, and appropriating money therefor.
Senate action and reference: pp. 263, 660, 717, 718, 806, 822, 824, 1289, 1793, 1794, 1902.
Assembly action and reference: pp. 1261, 1270, 1416, 1596, 1643, 1644, 1918, 1924, 1925.
- 669—Boynton—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, classrooms, and laboratories on the University Farm at Davis, and appropriating money therefor.
Senate action and reference: pp. 264, 442, 717, 718, 806, 822, 824, 1289, 1914, 1970.
Assembly action and reference: pp. 1268, 1270, 1457, 1599, 1772, 1782, 1918, 1924, 1925.

- 670—Boynton—An Act to provide for the purchase of live stock for and for the use of the University Farm and Agricultural School at Davis, and appropriating money therefor.
Senate action and reference: pp. 264, 442, 717, 718, 806, 822, 824, 1289, 1290, 1915, 1916, 1970.
Assembly action and reference: pp. 1268, 1270, 1391, 1597, 1598, 1780, 1814, 1918, 1923, 1925.
- 671—Savage—An Act authorizing and directing the Board of State Capitol Commissioners to erect a monument in Capitol Park in the city of Sacramento, to the valor and patriotism of the volunteer Union soldiers and sailors who enlisted from the State of California during the civil war from 1861 to 1865, and making an appropriation therefor.
Senate action and reference: pp. 264, 660.
- 672—Black—An Act to amend Section 611 of the Political Code, relative to publication of statements of insurance companies.
Senate action and reference: pp. 264, 1105, 1309, 1361, 1508.
Assembly action and reference: pp. 1434, 1435, 1563, 1692, 1801, 1802, 1806.
- 673—Price—An Act to amend Section 755 of the Political Code, relating to the salary of the Clerk of the Supreme Court.
Senate action and reference: pp. 264, 875, 979, 982, 1345.
- 674—Thompson—An Act to amend Section 626 $\frac{1}{2}$ of the Penal Code of California, relating to the protection and preservation of tree squirrels.
Senate action and reference: p. 264.
- 675—Thompson—An Act to amend sections three and eight of an Act entitled "An Act to insure the better education of practitioners of veterinary medicine and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893; amended and approved March 20, 1903; and all other laws in conflict herewith."
Senate action and reference: pp. 264, 917, 919.
- 676—Reily—An Act to amend Section 628 of the Penal Code of the State of California, relating to the protection and preservation of fish and shellfish.
Senate action and reference: p. 264.
- 677—Cuttan—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California.
Senate action and reference: pp. 265, 526, 654, 655, 722, 723, 777, 858, 1294, 1560, 1729.
Assembly action and reference: pp. 914, 916, 1109, 1190, 1234.
- 678—Wright—An Act amending sections four, ten and eleven of an Act of the Legislature of the State of California, entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.
Senate action and reference: pp. 265, 500, 550, 654, 655, 705, 706, 921, 922, 1078, 1494.
Assembly action and reference: pp. 628, 629, 780, 871, 895.
- 679—Wright—An Act to amend section one thousand six hundred and sixty-eight n of the Political Code of the State of California, relating to physical culture and exercise.
Senate action and reference: p. 265.
- 680—Wolfe—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen and sixteen thereof.
Senate action and reference: pp. 277, 479, 480, 546, 592, 593, 628, 701, 765, 855, 1023, 1989, 1990, 2117.
Assembly action and reference: pp. 1686, 1757, 1875.
- 681—Wolfe—An Act to amend Section 632 $\frac{1}{2}$ of the Penal Code of the State of California, relating to the protection and preservation of steelhead trout.
Senate action and reference: p. 277.

- 682—Wolfe—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of salmon, shad, and striped bass.
Senate action and reference: p. 277.
- 683—Wolfe—An Act to amend Section 628a of the Penal Code of the State of California, relating to the protection and preservation of striped bass.
Senate action and reference: p. 278.
- 684—Sanford—An Act to amend Section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.
Senate action and reference: pp. 289, 382, 461, 475, 476, 533, 654, 655, 696, 759, 821, 824, 853, 1021, 1022, 1294, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1147, 1193, 1240.
- 685—Sanford—An Act to add a new section to the Political Code of the State of California, to be numbered four thousand two hundred and forty-three a, relating to the compensation of jurors in counties of the fourteenth class.
Senate action and reference: pp. 289, 382, 461, 475, 476, 533, 492, 1688, 1729.
Assembly action and reference: pp. 535, 537, 1212, 1342, 1353.
- 686—Kennedy—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and sixteen, providing for the recording of the name of an arrested person by a peace officer, and providing the penalty for the violation thereof.
Senate action and reference: p. 289.
- 687—Kennedy—An Act to add a new section to the Penal Code of California, to be numbered section sixteen hundred and seventeen, prohibiting the taking of the photograph, sketch or picture, or the measurement of any portion of the body of an arrested person by any police or other peace officer, and providing the penalty for the violation thereof.
Senate action and reference: p. 289.
- 688—Kennedy—An Act to add a new section to the Penal Code of California, to be numbered Section 1618, providing for the keeping of a record book by the chief of police or other head of the police force of an incorporated city, city and county, or town, in which to enter the names of arrested persons, designation of the crime, and time and place of arrest, and providing the penalty for the violation thereof.
Senate action and reference: p. 289.
- 689—Leavitt—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees in the Controller's office and the salaries paid to such employees.
Senate action and reference: pp. 289, 875, 976, 1093, 1157, 1158, 1313, 1344, 1713, 1715, 2095.
Assembly action and reference: pp. 1348, 1349, 1367, 1493, 1495, 1336, 1919, 1923, 1925.
- 690—McCartney—An Act to amend Section 264 of the Penal Code, relative to the punishment of rape.
Senate action and reference: pp. 290, 500, 549, 654, 655, 701, 702, 1866.
Assembly action and reference: pp. 629, 630, 1913.
- 691—Price—An Act authorizing the State Treasurer to purchase a bond filing case and making an appropriation therefor.
Senate action and reference: pp. 290, 748, 749, 809, 823, 824, 1277, 1713, 1715, 1866.
Assembly action and reference: pp. 1267, 1269, 1367, 1493, 1495, 1536, 1918, 1923, 1925.
- 692—Price—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864 and providing for the redemption of said coupons.
Senate action and reference: pp. 290, 688, 1677, 1679, 1680.
- 693—Price—An Act authorizing the payment into the general fund of the State treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857, and providing for the redemption of said coupons.
Senate action and reference: pp. 290, 688, 1677, 1679, 1680.
- 694—Miller—An Act to amend Section 4255 of the Political Code of the State of California, relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.
Senate action and reference: pp. 290, 382, 462, 497, 498, 535, 1048, 1049, 1050, 1112, 1494.
Assembly action and reference: pp. 535, 537, 780, 812, 927, 928.

- 695—Miller—An Act to provide for the continuation of the construction of the highway known as King's River Highway, to declare it a state highway, and to make an appropriation therefor.
Senate action and reference: pp. 290, 479, 748, 808, 1089.
- 696—Miller—An Act to amend Section 1579 of the Code of Civil Procedure, relating to and authorizing executors and administrators to make leases of the real estate of decedents.
Senate action and reference: pp. 290, 413, 465, 497, 498, 537, 844, 845, 1034, 1397, 1398.
Assembly action and reference: pp. 536, 538, 799, 866.
- 697—Cartwright—An Act to add a new section to "An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, to be numbered "Section 13," relating to and limiting the meaning of the word commodity.
Senate action and reference: p. 290.
- 698—Cartwright—An Act to amend Section 1392 of the Penal Code of the State of California, relating to service of summons on corporations in criminal proceedings.
Senate action and reference: pp. 290, 413, 466, 497, 498, 537, 538, 577.
Assembly action and reference: pp. 537, 539, 1913.
- 699—Lewis—An Act to amend Section 1097 of the Political Code, relating to qualifications of person in event of registration.
Senate action and reference: pp. 291, 655, 656.
- 700—Black—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annex territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territories," approved March 19, 1889, and amended Statutes 1905, page 551, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.
Senate action and reference: p. 291.
- 701—Welch—An Act to amend Section 2552 of the Political Code, relating to salaries of officers of the Board of State Harbor Commissioners.
Senate action and reference: pp. 291, 611, 675, 689, 869, 1137, 1348.
- 702—Wolfe—An Act to amend section ten of an Act entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.
Senate action and reference: p. 291.
- 703—Leavitt—An Act to add a new section to the Penal Code of the State of California, to be numbered 498a, relating to the possession of any contrivance for preventing the correct registration of any gas or electric meter.
Senate action and reference: pp. 308, 525, 596, 605, 606, 637, 1231, 1232, 1559, 2009.
Assembly action and reference: pp. 568, 569, 1029, 1099, 1140.
- 704—Leavitt—An Act to amend Section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.
Senate action and reference: pp. 308, 525, 596, 605, 606, 638, 1231, 1232, 1559, 1728, 2009.
Assembly action and reference: pp. 568, 569, 1029, 1199, 1140.
- 705—Price—An Act to amend Section 3366 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, giving power to legislative bodies to fix a license tax, and upon whom it may be imposed.
Senate action and reference: p. 308.
- 706—Bates—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.
Senate action and reference: pp. 322, 690, 765, 871, 1056, 1057, 1075, 1076, 1596, 1597, 1722, 2094.
Assembly action and reference: pp. 1031, 1032, 1141, 1241, 1450.
- 707—Savage—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.
Senate action and reference: p. 322.

- 708—Hurd—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.
Senate action and reference: pp. 323, 415, 467, 475, 539, 826, 1034, 1399.
Assembly action and reference: pp. 536, 538, 800, 819.
- 709—Bills—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.
Senate action and reference: pp. 323, 420, 687, 688, 800, 831, 948, 1090, 1093, 1254, 1793, 1794, 1902.
Assembly action and reference: pp. 1137, 1267, 1269, 1414, 1595, 1640.
- 710—Bills—An Act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.
Senate action and reference: pp. 323, 420, 687, 688, 800, 831, 948, 1090, 1093, 1254, 1793, 1794, 1902.
Assembly action and reference: pp. 1267, 1269, 1415, 1595, 1640.
- 711—Leavitt—An Act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the State, and making an appropriation therefor.
Senate action and reference: pp. 323, 522, 596, 605, 606, 630, 707, 857.
- 712—Leavitt—An Act making an appropriation to pay for furnishing, painting, repairing, renovating and improving the Governor's residence.
Senate action and reference: pp. 323, 522, 596, 605, 606, 637, 1063, 1113, 1494.
Assembly action and reference: pp. 568, 569, 749, 887, 928, 929, 964, 1075.
- 713—Rush—An Act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action and reference: pp. 323, 755, 1021, 1276, 1403, 1541, 1542, 1574, 1640, 1641.
- 714—Rush—An Act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice-making plant at the Veterans' Home of California, located at Yountville, Napa County.
Senate action and reference: pp. 323, 755, 924, 1275, 1326, 1328, 1358.
- 715—Rush—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action and reference: pp. 323, 1248, 1541, 1574.
- 716—Rush—An Act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa County.
Senate action and reference: pp. 323, 755, 924, 1275, 1326, 1328, 1402, 1640, 1641.
- 717—Holohan—An Act to amend section five of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, and as amended by a certain Act provided March 26, 1895.
Senate action and reference: pp. 323, 790, 838, 919, 1148, 1492, 1688.
Assembly action and reference: pp. 1152, 1153, 1283, 1345, 1356.
- 718—Walker—An Act appropriating seventy-five thousand (\$75,000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.
Senate action and reference: pp. 324, 442, 567, 640, 655, 861, 1231, 1232, 1559, 1728.
Assembly action and reference: pp. 915, 917, 972, 1074, 1098, 1138.
- 719—Martinelli—An Act to amend Sections 204 and 205 of the Code of Civil Procedure of the State of California, relating to the selection of trial jurors.
Senate action and reference: p. 324.

- 720—Martinelli—An Act providing for the building of cottages for guards at the State prison at San Quentin, and appropriating money therefor.
Senate action and reference: pp. 324, 447.
- 721—Martinelli—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.
Senate action and reference: pp. 324, 791, 839, 957, 1091, 1093, 1222, 1713, 1715, 1866, 2094.
Assembly action and reference: pp. 1216, 1217, 1379, 1493, 1537.
- 722—Estudillo—An Act amending Section 2349 of the Political Code, relating to certain streams and waters declared public ways.
Senate action and reference: pp. 324, 688, 802, 822, 824, 1120, 1161, 1472, 1575.
- 723—Estudillo—An Act to amend Section 626c of the Penal Code of California, relative to the taking, killing, or destroying of ring-neck or versicolor pheasant, swans, quails, and partridges.
Senate action and reference: p. 324.
- 724—Estudillo—An Act to provide for the purchase of land for the branch Agricultural Experiment Station located at Riverside, California, for the erection and construction of buildings thereon, and to make an appropriation therefor.
Senate action and reference: p. 324.
- 725—Estudillo—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.
Senate action and reference: pp. 324, 661, 799, 847, 848, 1119, 1488, 1741, 1747, 1885, 2096.
Assembly action and reference: pp. 1395, 1396, 1503, 1545, 1589, 1664.
- 726—Stetson—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.
Senate action and reference: pp. 324, 499, 548, 485, 592, 953.
Assembly action and reference: pp. 537, 539, 1913.
- 727—Stetson—An Act making an appropriation to pay the claim of the Oakland Paving Company, against the State of California.
Senate action and reference: p. 325.
- 728—Birdsall—An Act to amend Section 631a of the Penal Code of the State of California, relating to punishment for violation of the laws for the preservation of fish and game.
Senate action and reference: pp. 325, 788, 837, 919, 1147, 1349.
- 729—Birdsall—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the twenty-eighth class.
Senate action and reference: pp. 325, 382, 462, 497, 498, 534, 535, 654, 655, 697, 1394, 1395, 1654, 1759.
Assembly action and reference: pp. 629, 1147, 1192, 1288.
- 730—Birdsall—An Act to prohibit discrimination and rebating by life insurance companies, their agents and representatives, fixing the penalty therefor, and prescribing the duties of the Insurance Commissioner in relation thereto.
Senate action and reference: pp. 325, 649, 679, 720, 871, 1005.
- 731—Birdsall—An Act to prevent the acceptance from any life insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of life insurance.
Senate action and reference: pp. 325, 649, 680, 720, 871, 1005.
- 732—Birdsall—An Act to prohibit misrepresentations by life insurance companies, their officers, directors, agents and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.
Senate action and reference: pp. 325, 649, 680, 720, 871, 936, 1032, 1057, 1611, 2105.
Assembly action and reference: pp. 1477, 1478, 1563, 1692, 1822, 1825, 1904.
- 733—Birdsall—An Act to prohibit certain practices by life insurance companies, their agents, officers, employees and representatives, fixing the penalty therefor and prescribing the duties of the Insurance Commissioner in relation thereto.
Senate action and reference: pp. 325, 649, 681, 720, 871, 936, 1032, 1075, 1611, 2105.
Assembly action and reference: pp. 1478, 1701, 1776, 1896.

- 734—Thompson—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice arrested in other states or foreign countries.
Senate action and reference: pp. 325, 387, 460, 497, 498, 517.
Assembly action and reference: pp. 509, 510, 1913.
- 735—Thompson—An Act to amend Sections 3553 and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of State school lands and costs and attorney's fees in such proceedings.
Senate action and reference: pp. 325, 417, 466, 497, 498, 538, 1047, 1172, 1494.
Assembly action and reference: pp. 536, 538, 779, 872, 894, 895.
- 736—Black—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.
Senate action and reference: pp. 325, 1138, 1310, 1368, 1369, 1508, 1935.
- 737—Wright—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.
Senate action and reference: p. 326.
- 738—Anthony—An Act to amend Subdivision 29 of Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to jurisdiction and power of boards of supervisors to provide for the useful and appropriate employment on public enterprises at hard labor and subject to corporeal punishment of prisoners confined in the county jail under judgment of conviction for misdemeanor, and making it mandatory for such boards to pass and approve as weekly urgency claims against the general fund of the county compensation for such employment to prisoners having depending upon them minor children for support, and also providing for the direct payment of the compensation to the legal custodian or guardian of the children.
Senate action and reference: p. 326.
- 739—Anthony—An Act to amend Section 718 of the Civil Code of the State of California, relating to the term for which leases may be made of town or city lots.
Senate action and reference: p. 326.
- 740—Anthony—An Act to add a new section to the Civil Code of the State of California, to be numbered four hundred and eleven, relative to restoring foreign corporations.
Senate action and reference: pp. 326, 443.
- 741—Willis—An Act to regulate and license the hunting of game birds and animals and the fishing for and catching of fish, and to provide revenue therefrom, for game and fish preservation and restoration.
Senate action and reference: pp. 326, 611, 675, 719, 720, 869, 870, 1056, 1057, 1226, 1862, 1863, 1901, 2111.
Assembly action and reference: pp. 1216, 1217, 1368, 1492, 1590, 1591, 1630, 1631, 1671, 1708.
- 742—Caminetti—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.
Senate action and reference: pp. 327, 656, 794, 822, 824, 1033, 1077, 1611.
- 743—Caminetti—An Act to add a new section to the Penal Code of the State of California, to be numbered 402c, relating to the carrying or transporting by common carriers of certain explosives.
Senate action and reference: pp. 327, 659, 797, 847, 848, 1079, 1470, 1488, 1609, 1771.

- 744—Bates—An Act to amend section twenty-five hundred and forty-one of the Civil Code of California, relating to assignment to mortgagee of thing insured.
Senate action and reference: pp. 337, 1061, 1370, 1371, 1587, 1737, 1859.
- 745—Bates—An Act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California, relating to measure of indemnity.
Senate action and reference: pp. 337, 1061, 1370, 1371, 1580, 1710, 1770, 1864.
- 746—Bates—An Act to repeal Section 416 of the Civil Code of the State of California, relating to policies, how issued and by whom signed.
Senate action and reference: pp. 337, 1061, 1370, 1371, 1576, 1658.
Assembly action and reference: pp. 1517, 1518.
- 747—Committee on Education—An act to provide for the union of two or more secondary school districts, the filing of a petition with the county superintendent of schools to submit the question of uniting union secondary school districts and calling for an election therefor, and the canvassing of the votes cast at said election.
Senate action and reference: pp. 342, 376, 381, 456, 1713, 1868.
Assembly action and reference: pp. 427, 460, 464, 533, 1291, 1292, 1524, 1609.
- 748—Hartman—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents or employees of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for the violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.
Senate action and reference: pp. 343, 925, 1371, 1591, 1639, 1665, 1769, 1855, 1856.
- 749—Hartman—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.
Senate action and reference: pp. 343, 925, 1371, 1578, 1639, 1659, 1751, 1823, 1887.
- 750—Hartman—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.
Senate action and reference: pp. 343, 925, 1371, 1591, 1639.
- 751—Hartman—An Act to amend Section 924 of the Code of Civil Procedure of the State of California, relative to costs in the Justices' Court.
Senate action and reference: pp. 343, 926, 1056, 1299, 1360, 1361, 1503.
- 752—Leavitt—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the Railroad Commission for the fifty-ninth and sixtieth fiscal years.
Senate action and reference: pp. 343, 383, 464, 475, 476, 536, 844, 845, 1034, 1493.
Assembly action and reference: pp. 536, 537, 704, 749, 800, 869, 1075.
- 753—Wolfe—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expense of such investigations.
Senate action and reference: p. 343.
- 754—Stetson—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.
Senate action and reference: pp. 343, 442, 490, 492, 496, 497, 498, 660, 866, 867, 1056, 1057, 1317, 1713, 1715, 1867, 2111.
Assembly action and reference: pp. 1266, 1268, 1415, 1474, 1524.
- 755—Hurd—An Act making an appropriation to pay for the rental and janitor service of quarters for the Second District Court of Appeal.
Senate action and reference: pp. 344, 747, 748.
- 756—Sanford—An Act to amend Section 751 of the Political Code, relating to deputies of the Clerk of the Supreme Court.
Senate action and reference: pp. 344, 875, 977, 1063, 1197, 1198, 1369, 1475, 1793, 1794, 1902, 2067.
Assembly action and reference: pp. 1395, 1396, 1416, 1596, 1644, 1920, 1924, 1925.

- 757—Sanford—An Act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the Clerk of the Supreme Court.
Senate action and reference: pp. 344, 748, 749, 809, 823, 824, 1274, 1713, 1715, 1867.
Assembly action and reference: pp. 1267, 1269, 1389, 1494, 1495, 1544, 1918, 1923, 1925.
- 758—Sanford—An Act to amend section seven hundred and fifty-six of the Political Code, relating to salaries of deputies of the Clerk of the Supreme Court.
Senate action and reference: pp. 344, 875, 979, 982, 1502.
Assembly action and reference: pp. 1433, 1434, 1920.
- 759—Campbell—An Act to amend Section 717 of the Civil Code of the State of California, in reference to leases of agricultural lands.
Senate action and reference: p. 344.
- 760—Campbell—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.
Senate action and reference: pp. 344, 568, 641, 718, 720, 862, 1027, 1073, 1111.
- 761—McCartney—An Act to amend Section 124 of the Code of Civil Procedure, relating to the denial of divorces.
Senate action and reference: p. 344.
- 762—Black—An Act to amend Section 2293 of the Political Code, relative to the powers and duties of the board of trustees of the State Library.
Senate action and reference: pp. 344, 566, 639, 718, 720, 861, 1394, 1396, 1654, 1759.
Assembly action and reference: pp. 915, 916, 1109, 1287.
- 763—Black—An Act to amend Sections 628, 628a, 632½, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.
Senate action and reference: pp. 344, 612, 676, 719, 720, 815, 816, 917, 919, 1030, 1031, 1093, 1126, 1127, 1313, 1314, 1315, 1316, 1732, 1868.
Assembly action and reference: pp. 915, 916, 1109, 1190, 1287.
- 764—Willis—An Act to amend Section 628 of the Penal Code, relating to lobster, crawfish, shrimp, crab, sturgeon, and abalones.
Senate action and reference: p. 352.
- 765—Wright—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeals to the Superior Court.
Senate action and reference: pp. 352, 543, 600, 654, 655, 860, 1026.
Assembly action and reference: pp. 982, 983, 1913.
- 766—Estudillo—An Act defining state highways, providing for the laying out and adoption of a continuous and connected state highway system, and the survey of a right of way therefor, prescribing the powers and duties of the State Department of Engineering in relation thereto, providing for the acquisition of roads and of rights of way and the construction and maintenance of a permanent roadway, and appropriating the moneys necessary to carry out the provisions of this Act.
Senate action and reference: pp. 365, 721.
- 767—Estudillo—An Act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of State bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.
Senate action and reference: pp. 365, 721, 807, 917, 919, 1080, 1136, 1142, 1172, 1173, 1369, 1613, 1883.
- 768—Estudillo—An Act to regulate the production and sale of certified milk.
Senate action and reference: pp. 365, 568, 645, 719, 720, 863, 1028, 1394, 1396, 1654, 2094.
Assembly action and reference: pp. 982, 983, 1076, 1190, 1287.
- 769—Savage—An Act to amend section two hundred and eighty-seven of the Code of Civil Procedure, relating to removal or suspension of attorneys and counselors at law.
Senate action and reference: pp. 365, 1101, 1224, 1369, 1423, 2092, 2095.
Assembly action and reference: pp. 1369, 1370, 1661, 1774, 1891.
- 770—Weed—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relating to the grounds upon which a new trial may be granted.
Senate action and reference: p. 365.

- 771—Sanford—An Act to definitely establish, and permanently locate the boundary line between the county of Lake and the county of Glenn, State of California.
Senate action and reference: pp. 365, 568, 642, 718, 720, 862, 1027, 1234, 1235, 1335, 1336, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1047, 1048, 1175.
- 772—Martinelli—An Act providing for the construction of additional houses for the use of the officers, guards and employees at the State Prison at Folsom, and making an appropriation therefor.
Senate action and reference: pp. 365, 448, 783, 832, 951, 952, 1090, 1093, 1178, 1283, 1284, 1713, 1715, 1867.
Assembly action and reference: pp. 1267, 1269, 1317, 1487, 1488, 1531, 1918, 1923, 1925.
- 773—Martinelli—An Act authorizing the State Board of Prison Directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the Act.
Senate action and reference: pp. 366, 448, 567, 640, 655, 861, 1026, 1027, 1093, 1473, 1914, 1951.
Assembly action and reference: pp. 1394, 1396, 1418, 1457, 1488, 1532, 1918, 1923, 1925.
- 774—Martinelli—An Act providing for the construction and furnishing of a residence at the State Prison at Folsom, and making an appropriation therefor.
Senate action and reference: pp. 366, 448, 783, 832, 952, 1090, 1093, 1286, 1713, 1715, 1867.
Assembly action and reference: pp. 1267, 1270, 1317, 1487, 1488, 1532, 1918, 1923, 1925.
- 775—Hurd—An Act to amend Section 2319 of the Political Code of the State of California, relating to the office of the State Commissioner of Horticulture, the powers and duties of said Commissioner and the salaries, duties and qualifications of his appointees.
Senate action and reference: pp. 366, 612, 875, 975, 1092, 1093, 1127, 1313, 1314, 1343, 1344, 1713, 1715, 1867, 2094.
Assembly action and reference: pp. 1348, 1349, 1368, 1389, 1494, 1495, 1544, 1919, 1923, 1925.
- 776—Hurd—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, p. 32).
Senate action and reference: pp. 366, 790, 838, 956, 1298, 1438, 1503, 1617.
- 777—Kennedy—An Act to insure the better education of practitioners of chiropody, and to regulate the practice of chiropody in the State of California, and providing penalties for the violation hereof.
Senate action and reference: pp. 366, 721, 807, 832, 950.
- 778—McCartney—An Act to amend section four hundred and nine of the Political Code of California, relating to the distribution of statutes and journals, and reports of State officers and journals.
Senate action and reference: pp. 366, 500, 551, 552, 654, 655, 706, 1045, 1047, 1115, 1116, 1157, 1676, 1677.
Assembly action and reference: pp. 628, 629, 875, 960, 1151.
- 779—McCartney—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.
Senate action and reference: pp. 366, 717, 718, 806, 823, 824, 1089.
- 780—McCartney—An Act to amend section four hundred and ten of the Political Code of California, relating to distribution of reports of Supreme and Appellate Courts.
Senate action and reference: pp. 366, 659, 660.
- 781—Caminetti—An Act to amend Section 392 of the Penal Code of the State of California.
Senate action and reference: pp. 366, 690, 803, 822, 824, 1140.
Assembly action and reference: p. 1152.
- 782—Birdsall—An Act to amend sections one and two of an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.
Senate action and reference: pp. 366, 568, 645, 719, 720, 863, 1056, 1057, 1577.
Assembly action and reference: pp. 1459, 1460, 1573, 1593.
- 783—Campbell—An Act to amend Section 4180 of the Political Code, relating to the appointment, duties and compensation of official reporters.
Senate action and reference: p. 367.

- 784—Campbell—An Act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1288, 1328, 1409.
- 785—Campbell—An Act making an appropriation for the construction and furnishing of a girls' dormitory at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1181.
- 786—Campbell—An Act making an appropriation for the construction and furnishing of a boys' dormitory at the California Polytechnic School.
Senate action and reference: pp. 367, 624.
- 787—Campbell—An Act making an appropriation for the construction and equipment of barns at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1179, 1180, 1287, 1438, 1647, 1648.
- 788—Campbell—An Act making an appropriation for the construction of a sewer system at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1287, 1409, 1438.
- 789—Campbell—An Act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1287, 1409, 1438.
- 790—Campbell—An Act making an appropriation for the construction of cottages for employees at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1288, 1409, 1437, 1438.
- 791—Campbell—An Act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1181, 1288, 1328, 1409.
- 792—Campbell—An Act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.
Senate action and reference: pp. 367, 624, 1180, 1181, 1288, 1328, 1409.
- 793—Campbell—An Act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.
Senate action and reference: pp. 368, 624, 1180, 1181, 1288, 1328, 1409.
- 794—Campbell—An Act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.
Senate action and reference: pp. 368, 624, 1180, 1181, 1288, 1328, 1409.
- 795—Campbell—An Act making an appropriation for the erection of a combined power and lighting plant, with a mechanical and electrical laboratory at the California Polytechnic School.
Senate action and reference: pp. 368, 624, 1180, 1288, 1437, 1438, 1647, 1648.
- 796—Willis—An Act to amend Section 412 of the Penal Code of California, relating to prize fighting.
Senate action and reference: p. 368.
- 797—Bills—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.
Senate action and reference: pp. 368, 749, 750, 812, 832, 950, 1090, 1093, 1160, 1161, 1314, 1315.
Assembly action and reference: pp. 1266, 1268, 1502, 1604, 1628.
- 798—Bills—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.
Senate action and reference: pp. 368, 527, 598, 654, 655, 860, 1026, 1072.
Assembly action and reference: pp. 1031, 1032, 1438, 1596, 1641, 1789.
- 799—Stetson—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.
Senate action and reference: pp. 368, 525, 596, 653, 655, 708, 1231, 1232, 1560, 1728.
Assembly action and reference: pp. 628, 629, 907, 991.

- 800—Stetson—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relative to settlement of accounts of guardians of insane persons.
Senate action and reference: pp. 368, 525, 596, 653, 708, 1236, 1237, 1560, 1728.
Assembly action and reference: pp. 629, 907, 992, 1137.
- 801—Thompson—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be known as Section 1559, relating to payment of commissions upon sales of real property, under order of court.
Senate action and reference: pp. 368, 490, 548, 592, 593, 1130, 1131, 1256, 1727.
Assembly action and reference: pp. 537, 539, 944, 992, 1096.
- 802—Thompson—An Act to provide for the increase of the amount of capital stock and shares in corporations organized for the purpose of supplying or delivering water to their own stockholders.
Senate action and reference: pp. 368, 490, 548, 592, 593, 1130, 1131, 1256, 1727.
- 803—Thompson—An Act to amend the Political Code by adding thereto two new articles to be designated and numbered Article XIV of Chapter III of Title III of Part III of said Code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, and Article XV of said chapter to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, and 1763, and to repeal Sections 1669, 1670, 1671, 1671a, and 1681 of said Code, all relating to high schools, and to repeal an Act entitled "An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change," approved March 23, 1907, and an Act entitled "An Act relating to the meeting place of high school boards within municipal corporations," which became a law without the Governor's signature March 15, 1901, and an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the bene fit and support of high schools and providing for its distribution,' " approved March 2, 1903, approved March 6, 1905, and all Acts amendatory thereof.
Senate action and reference: pp. 369, 991, 1094, 1095, 1096, 1097, 1098, 1099, 1313, 1314, 1321, 1322, 1741, 1743, 1744, 1883, 2095.
Assembly action and reference: pp. 1266, 1269, 1527, 1588, 1589, 1664.
- 804—Cutten—An Act to create a preserve for crabs within Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.
Senate action and reference: pp. 369, 526, 597, 654, 655, 723, 777, 858, 1294, 1560, 1729.
Assembly action and reference: pp. 914, 916, 1109, 1190, 1237.
- 805—Cutten—An Act to amend Section 602 of the Penal Code of the State of California, relating to willful trespass.
Senate action and reference: pp. 369, 498, 547, 548, 654, 655, 701.
Assembly action and reference: pp. 629, 630, 852, 908, 912, 1320, 1487, 1585.
- 806—Cutten—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, and amended March 6, 1907, by so defining "estrays" as to include all trespassing domestic animals, charging the costs of keeping chargeable by a taker-up, and shortening time of keeping necessary.
Senate action and reference: p. 369.
- 807—Cutten—An Act to add a new section, to be numbered 734, to the Civil Code of the State of California, relating to the rights of owners, especially of the rights of owners of property to be protected from trespassing by and from damage done by domestic animals.
Senate action and reference: p. 369.
- 808—Price—An Act to amend section four hundred and fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.
Senate action and reference: pp. 378, 875, 977, 1053, 1106, 1345, 1713, 1715, 1867.
Assembly action and reference: pp. 1348, 1349, 1367, 1493, 1495, 1536, 1919, 1923, 1925.

- 809—Black—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, relating to school districts.
Senate action and reference: pp. 385, 690, 802, 823, 824, 1121, 1732, 1733, 1868.
Assembly action and reference: pp. 1111, 1213, 1343, 1476, 1523, 1609.
- 810—Black—An Act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.
Senate action and reference: pp. 385, 1371, 1372.
- 811—Black—An Act to provide for the inspection of institutions receiving moneys from the State.
Senate action and reference: p. 385.
- 812—Curtin—An Act to amend Section 1313 of the Civil Code, relating to devises or or bequests by will.
Senate action and reference: pp. 385, 498, 548, 654, 655, 695, 765, 853, 1021, 1024, 1025, 2009.
Assembly action and reference: pp. 982, 983, 1502, 1701, 1885.
- 813—Curtin—An Act to insure the better training and qualification of persons operating motor vehicles on public highways, and to regulate the occupation of operating motor vehicles on public highways, and providing penalties for the violation hereof.
Senate action and reference: pp. 385, 966, 967, 1092, 1338, 1445, 1483, 1931, 1972.
Assembly action and reference: pp. 1395, 1396, 1520, 1605, 1792, 1799.
- 814—Curtin—An Act to add a new section to the Political Code, to be numbered 1580, relating to joining school districts upon the organization of new counties or change in county boundaries.
Senate action and reference: pp. 385, 479, 544, 592, 593, 1051, 1052, 1112, 1727.
Assembly action and reference: pp. 537, 539, 854, 900, 928.
- 815—Curtin—An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishing, conducting and maintaining of high schools and high school districts, the levy of taxes therein, and the issuing and selling of bonds of said districts.
Senate action and reference: p. 386.
- 816—Estudillo—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.
Senate action and reference: pp. 386, 687, 688, 800, 847, 848, 1119, 1482, 1638, 1639, 1664, 1665, 1957, 1958, 2114.
Assembly action and reference: pp. 1517, 1518, 1694, 1831, 1921, 1924, 1925.
- 817—Stetson—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Senate action and reference: pp. 386, 688, 689.
- 818—Sanford—An Act to create a guaranty fund from which the depositors of insolvent banks shall be paid.
Senate action and reference: p. 386.
- 819—Strobridge—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of the grand juries.
Senate action and reference: pp. 386, 525, 596, 655, 708, 857, 1024, 1915, 1916, 1929.
Assembly action and reference: pp. 982, 983, 1387, 1593, 1779, 1823.
- 820—Bills—An Act to authorize the Governor to accept on behalf of the State the grant of certain lands in Butte County.
Senate action and reference: pp. 386, 660, 779, 822, 824, 1116, 1914, 1915, 1970, 2111.
Assembly action and reference: pp. 1110, 1111, 1501, 1603, 1787.
- 821—Bills—An Act to fix the salaries of the State Forester, Deputy Forester and Assistant Forester.
Senate action and reference: pp. 386, 482, 1138, 1310, 1438, 1509, 1914, 1970, 2111.
Assembly action and reference: pp. 1434, 1435, 1457, 1599, 1783, 1920, 1924, 1925.
- 822—Bills—An Act to appropriate money for better protection against forest and field fires.
Senate action and reference: pp. 386, 482.

- 823—Weed—An Act to accept from the Old Soldiers' Memorial Camp Association of Northern California and E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of certain lands, buildings and furnishings thereon, at La Tour Soda Springs, Whitmore Postoffice, in Shasta County; and appropriating the sum of ten thousand dollars for the purpose of constructing cottages on said lands and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors and marines of the United States army and navy, and wives of such soldiers, sailors and marines; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.
Senate action and reference: pp. 386, 1567, 1599, 1703, 1710, 1750, 1959, 2114.
Assembly action and reference: pp. 1663, 1775, 1821.
- 824—Burnett—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1462, relating to property alleged to belong to the estate and claimed by the executor or administrator.
Senate action and reference: pp. 386, 1575.
- 825—Burnett—An Act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of the justices of peace in cities and counties.
Senate action and reference: pp. 386, 827, 964, 1092, 1093, 1336, 1337.
Assembly action and reference: pp. 1663, 1775, 1821.
- 826—Boynton—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.
Senate action and reference: p. 387.
- 827—Price—An Act to amend Sections 4125 and 4218 of the Political Code, relating to the duties of the assessor, surveyor and board of supervisors in the making of maps, plats, block books and blue-prints for county purposes.
Senate action and reference: p. 387.
- 828—Thompson—An Act to amend sections one, two, three and four of an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.
Senate action and reference: pp. 387, 987.
- 829—Willis—An Act to add to the Penal Code of California a new section, to be numbered 633, relating to the protection and preservation of golden trout.
Senate action and reference: pp. 387, 611, 675, 689, 869, 1294, 1560, 1728.
Assembly action and reference: pp. 915, 917, 1190, 1235.
- 830—Curtin—An Act amending Section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.
Senate action and reference: pp. 421, 568, 642, 718, 720, 846.
- 831—Curtin—An Act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.
Senate action and reference: pp. 421, 603, 717, 718, 806, 823, 824, 850, 1283, 1713, 1715, 1867.
Assembly action and reference: pp. 1267, 1269, 1317, 1488, 1532, 1918, 1923, 1925.
- 832—Curtin—An Act to amend Section 2712 of the Political Code of California, relating to the powers of the board of supervisors.
Senate action and reference: pp. 421, 568, 643, 719, 720, 952, 953, 1027, 1492, 1688, 1729.
Assembly action and reference: pp. 982, 983, 1212, 1342, 1353, 1354.
- 833—Curtin—An Act to amend Section 1041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.
Senate action and reference: pp. 422, 851, 862, 869, 1092, 1093, 1317, 1318, 1914, 1970.
Assembly action and reference: pp. 1266, 1268, 1457, 1599, 1781.
- 834—Sanford—An Act to repeal Section 1737 of the Code of Civil Procedure.
Senate action and reference: p. 422.
- 835—Martinelli—An Act making an appropriation to pay the claim of Herbert Von Meyerinck against the State of California.
Senate action and reference: p. 422.
- 836—Willis—An Act to amend Section 4282 of the Political Code of the State of California, relating to salaries of officers of counties of the fifty-third class.
Senate action and reference: pp. 422, 568, 643, 719, 720, 862, 1294, 1560, 1729.
Assembly action and reference: pp. 915, 916, 1147, 1193, 1239.

- 837—Willis—An Act to add a new section to the Penal Code of California, to be numbered 632*b*, relating to fishing with salmon roe or steelhead roe as bait.
Senate action and reference: pp. 422, 611, 676, 719, 720, 870, 1056, 1057, 1315, 1713, 1715, 1867.
Assembly action and reference: pp. 1266, 1268, 1366, 1492, 1535.
- 838—Miller—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds for property sold for delinquent taxes.
Senate action and reference: pp. 422, 525, 596, 655, 708, 816, 817, 917, 919, 1024, 1733, 1735, 1869.
Assembly action and reference: pp. 982, 983, 1387, 1392, 1477, 1582, 1609.
- 839—Miller—An Act to amend Section 3514 of the Political Code of the State of California, relative to the issuance of certificates of purchase for State land.
Senate action and reference: pp. 422, 525, 597, 655, 709, 819.
- 840—Birdsall—An Act to make an additional appropriation for the continuation of the location, survey and construction of a state highway from a point known as the "Mt. Pleasant Ranch," on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.
Senate action and reference: pp. 422, 603, 1180, 1291, 1437, 1438, 1470, 1914, 1970.
Assembly action and reference: pp. 1394, 1396, 1457, 1599, 1783, 1920, 1924, 1925.
- 841—Stetson—An Act to amend Section 702 of the Code of Civil Procedure, relating to the time within which property may be redeemed and redemption money.
Senate action and reference: p. 422.
- 842—Thompson—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, relating to State school land.
Senate action and reference: pp. 422, 827, 958, 1091, 1093, 1225, 1892, 1901, 2112.
Assembly action and reference: pp. 1216, 1217, 1364, 1615, 1701, 1709, 1762, 1763, 1774.
- 843—Finn—An Act providing for vacations for certain employes of the State.
Senate action and reference: pp. 422, 608, 672, 689, 867, 1393, 1447, 1654, 1759.
Assembly action and reference: pp. 915, 917, 1149, 1242, 1325.
- 844—Anthony—An Act to prevent persons from unlawfully using a union card.
Senate action and reference: pp. 422, 929, 1301, 1360, 1361, 1504, 1914, 1970, 2111.
Assembly action and reference: pp. 1433, 1435, 1472, 1599, 1784.
- 845—Anthony—An Act to amend section eleven hundred and eighty-three of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 846—Anthony—An act to amend section eleven hundred and eighty-four of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 847—Anthony—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1184½, relating to the liens of mechanics and others.
Senate action and reference: p. 423.
- 848—Anthony—An Act to amend section eleven hundred and eighty-six of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 849—Anthony—An act to amend section eleven hundred and eighty-seven of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 850—Anthony—An act to add a new section to the Code of Civil Procedure, to be known as Section 1187½, relating to mechanics' liens.
Senate action and reference: p. 423.
- 851—Anthony—An act to amend Section 1192 of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 852—Anthony—An Act to amend Section 1195 of the Code of Civil Procedure, relating to mechanics' liens.
Senate action and reference: p. 423.
- 853—Caminetti—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 532*a*, relating to spurious secret societies.
Senate action and reference: pp. 423, 659, 797, 847, 848, 1079, 1675.
Assembly action and reference: pp. 1031, 1032, 1301, 1409, 1477.

- 854—Wolfe—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered —, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements and prescribing penalties therefor.
Senate action and reference: pp. 423, 786, 787, 835, 953, 1001, 1093, 1159.
Assembly action and reference: pp. 1197, 1668, 1775.
- 855—Cuttén—An Act to add a new section to the Penal Code, to be numbered 626, to prohibit the hunting of ducks in sneak, decoy or sculling boats.
Senate action and reference: p. 423.
- 856—Cuttén—An Act to amend Section 4126 of the Political Code of the State of California, relating to conveyance of real estate and indexing thereof.
Senate action and reference: pp. 423, 1678, 1829, 1869, 1870.
- 857—Cuttén—An Act to amend Section 3608 of the Political Code of the State of California, relating to the assessment of property belonging to corporations or corporations' stock.
Senate action and reference: pp. 424, 1719, 1720, 1721.
- 858—Cuttén—An Act to repeal an Act entitled "An Act to prevent the introduction of contagious or infectious diseases into the State of California," approved March 15, 1883.
Senate action and reference: pp. 424, 1617, 1678, 1679, 1746.
- 859—Cuttén—An Act to amend Section 1265 of the Civil Code of the State of California, relating to the tenure by which homestead is held.
Senate action and reference: pp. 424, 1103, 1480, 1638, 1639, 1684, 1685, 1964, 2116.
Assembly action and reference: pp. 1577, 1579, 1620, 1697, 1849.
- 860—Cuttén—An Act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.
Senate action and reference: pp. 424, 1103, 1480, 1638, 1639, 1685, 1964, 2116.
Assembly action and reference: pp. 1572, 1579, 1620, 1697, 1849.
- 861—Cuttén—An Act to amend section three hundred *a* of the Civil Code of the State of California, relating to corporations.
Senate action and reference: pp. 424, 1103, 1481, 1638, 1639, 1685, 1964, 2116.
Assembly action and reference: pp. 1577, 1579, 1620, 1697, 1849.
- 862—Cuttén—An Act to amend Section 1386 of the Civil Code of the State of California, relating to succession to the property of deceased persons.
Senate action and reference: pp. 424, 1678, 1829, 1883.
- 863—Cuttén—An Act to amend Section 954 of the Penal Code of California, relating to pleadings in criminal cases.
Senate action and reference: pp. 424, 1679, 1748.
- 864—Cuttén—An Act to amend Section 1171 of the Penal Code of California, relating to bills of exception in criminal cases.
Senate action and reference: pp. 424, 1678, 1830, 1869, 1870.
- 865—Cuttén—An Act to amend Section 3976 of the Penal Code of the State of California, relating to the sale of intoxicating liquors to minors.
Senate action and reference: pp. 424, 1678, 1830, 1900, 1901.
- 866—Cuttén—An Act to amend Section 1391 of the Civil Code of the State of California, defining the direct line of descent and ascent, and the degrees thereof.
Senate action and reference: pp. 424, 1103, 1481, 1685, 1964, 2116.
Assembly action and reference: pp. 1578, 1579, 1620, 1697, 1850.
- 867—Cuttén—An Act to amend Section 1330 of the Civil Code of the State of California, defining the degrees of consanguinity, and prescribing methods of tracing the same.
Senate action and reference: pp. 424, 1103, 1481, 1685, 1964, 2116.
Assembly action and reference: pp. 1578, 1579, 1620, 1698, 1861.
- 868—Cuttén—An Act to repeal Section 1392 of the Civil Code of the State of California.
Senate action and reference: pp. 424, 1103, 1478, 1542, 1681, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1697, 1850.
- 869—Cuttén—An Act to repeal Section 1393 of the Civil Code of the State of California.
Senate action and reference: pp. 424, 1103, 1480, 1638, 1639, 1686, 1964, 2116.
Assembly action and reference: pp. 1578, 1579, 1620, 1697, 1850.

- 870—Cutten—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.
Senate action and reference: pp. 425, 1678, 1830, 1900, 1901.
- 871—Cutten—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to what may be provided for in their by-laws, ordinances, constitution or articles of incorporation, by corporations for purposes other than profit.
Senate action and reference: pp. 425, 1718, 1830, 1869, 1870.
- 872—Cutten—An Act to amend section forty-three hundred *a* of the Political Code of the State of California, relating to county clerks fees.
Senate action and reference: pp. 425, 1718, 1831, 1869, 1870.
- 873—Cutten—An Act to repeal section thirty-four ninety-two of the Political Code of the State of California.
Senate action and reference: pp. 425, 1718, 1831, 1869, 1870.
- 874—Cutten—An Act to amend sections thirty-four and forty-six of the Political Code of the State of California, relating to the formation of reclamation districts.
Senate action and reference: pp. 425, 1719, 1832, 1900, 1901.
- 875—Cutten—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.
Senate action and reference: pp. 425, 1719, 1720, 1721.
- 876—Cutten—An Act to amend Section 1070 of the Penal Code of California, relating to peremptory challenges.
Senate action and reference: pp. 425, 1719, 1720, 1721.
- 877—Cutten—An Act to amend section two hundred and sixty-nine *a* of the Penal Code of California, relating to open and notorious fornication and adultery.
Senate action and reference: pp. 425, 1679, 1746.
- 878—Cutten—An Act to amend section two hundred and sixty-nine *b* of the Penal Code of California, relating to open and notorious fornication and adultery.
Senate action and reference: pp. 425, 1679, 1746.
- 879—Cutten—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.
Senate action and reference: pp. 425, 1718, 1831, 1869, 1870.
- 880—Cutten—An Act to amend Section 507 of the Penal Code of California, relating to the embezzlement of personal property.
Senate action and reference: pp. 425, 1718, 1831, 1869, 1870.
- 881—Cutten—An Act to amend Section 971 of the Penal Code of California, relating to criminal procedure.
Senate action and reference: pp. 425, 1718, 1831, 1869, 1870.
- 882—Committee on Prisons and Reformatories—An Act providing for the construction of cottages for the use of guards and employees at the State prison at San Quentin, and making an appropriation therefor.
Senate action and reference: pp. 447, 783, 833, 1090, 1093, 1286, 1287, 1713, 1715, 1867.
Assembly action and reference: pp. 1268, 1270, 1317, 1488, 1532, 1533, 1918, 1923, 1925.
- 883—Rush—An Act making an appropriation to pay the claim of F. J. Trigueiro against the State of California.
Senate action and reference: p. 449.
- 884—Weed—An Act to amend Section 2802 of the Political Code of the State of California, relating to toll roads.
Senate action and reference: pp. 449, 993, 1303, 1360, 1361, 1504, 1914, 1970, 2111.
Assembly action and reference: pp. 1433, 1435, 1500, 1600, 1784, 1785.
- 885—Estudillo—An Act to amend Section 1230 of the Political Code, relating to grounds of challenge at elections.
Senate action and reference: pp. 449, 928, 1301, 1437, 1438, 1470, 1914, 1915, 1970.
Assembly action and reference: pp. 1394, 1395, 1503, 1604, 1788.
- 886—Finn—An Act to regulate the practice of veterinary medicine in the State of California.
Senate action and reference: pp. 449, 789, 838, 955, 1091, 1093, 1173, 1676, 1726, 1868.
Assembly action and reference: pp. 1197, 1293, 1345, 1477.
- 887—Hare—An Act to prevent the use of paranzella or dragnet in the waters of this State.
Senate action and reference: pp. 449, 1707, 1830, 1869, 1870, 1947.

- 888—Bills—An Act providing for the purchase of a boiler for the kitchen at the State prison at Folsom, and making an appropriation therefor.
Senate action and reference: pp. 449, 791, 1138, 1292, 1328, 1580, 1913.
Assembly action and reference: pp. 1459, 1460, 1504, 1604, 1605, 1790, 1921, 1924, 1925.
- 889—Birdsall—An Act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; to create a fund therefor; to prescribe the duties of the State Board of Health and other public officials with relation thereto, and making an appropriation for the purposes of this Act.
Senate action and reference: pp. 449, 1332.
- 890—Walker—An Act to amend Section 4233 of the Political Code of the State of California.
Senate action and reference: pp. 450, 568, 643, 719, 720, 862, 1394, 1396, 1397, 1654, 1759.
Assembly action and reference: pp. 915, 916, 1147, 1192, 1288.
- 891—Stetson—An Act to add a new section to the Penal Code of the State of California, to be known as number 367b, prohibiting the use of certain traps.
Senate action and reference: p. 450.
- 892—Stetson—An Act authorizing and empowering the directors of the State Agricultural Society to hold State industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.
Senate action and reference: pp. 450, 610, 748, 749, 809, 823, 824, 1272.
- 893—Stetson—An Act to amend sections six, seven, fifteen, and seventeen, and to add a new section, to be known as section fifteen and a half, creating a revolving fund to an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also, repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under the direction in the discharge of his duties as such Commissioner," approved March 24, 1893, and all Act or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, 1897, and all Acts, or parts of Acts amendatory thereof," approved March eleventh, 1907.
Senate action and reference: p. 450.
- 894—Bates—An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of highway lighting commissioners.
Senate action and reference: p. 451.
- 895—Price—An Act making an appropriation for furnishing the administration building at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.
Senate action and reference: p. 451.

- 896—Price—An Act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.
Senate action and reference: pp. 451, 755, 986, 987, 1278, 1327, 1328, 1403, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1389, 1493, 1495, 1537, 1919, 1924, 1925.
- 897—Wright—An Act establishing a State Polytechnic School at Escondido, county of San Diego, State of California, and making an appropriation for the construction of said building and the maintenance of said school.
Senate action and reference: p. 451.
- 898—Wolfe—An Act to provide for the purchase of portraits of Gov. James N. Gillett, and Lieutenant Governor Warren R. Porter, by the State Board of Examiners, and to appropriate money therefor.
Senate action and reference: pp. 451, 748, 749, 809, 823, 824, 1221, 1675, 1805, 2094.
Assembly action and reference: pp. 1216, 1217, 1317, 1409, 1478, 1917, 1923, 1925.
- 899—McCartney—An Act to amend Section 25 of the Civil Code, defining who are minors.
Senate action and reference: pp. 451, 659, 660.
- 900—McCartney—An Act to amend Section 626c of the Penal Code, relating to the taking, killing and having in his possession pheasants, and other game birds.
Senate action and reference: p. 451.
- 901—Campbell—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of the same.
Senate action and reference: pp. 451, 827, 828.
- 902—Willis—An Act to make an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the erection, equipping and furnishing of the two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.
Senate action and reference: p. 452.
- 903—Willis—An Act to amend Section 642 of the Political Code of the State of California, relating to fish commissioners and their assistants and prescribing their powers and duties.
Senate action and reference: pp. 452, 611, 675, 689, 869.
Assembly action and reference: p. 915.
- 904—Willis—An Act to amend Sections 626, 626c, 626d, 626m, and 627b of the Penal Code of the State of California, and add to such Penal Code two new sections to be numbered Section 626n and 626o, relating to the protection and preservation of game and fish.
Senate action and reference: pp. 452, 611, 676, 793, 847, 848, 1033, 1065, 1136, 1319, 1914, 1970, 2111.
Assembly action and reference: pp. 1266, 1268, 1415, 1598, 1781.
- 905—Leavitt—An Act to amend an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.
Senate action and reference: pp. 480, 752, 814, 823, 824, 947, 1090, 1093, 1145, 1146, 1915, 1916, 1917, 1971.
Assembly action and reference: pp. 1152, 1153, 1347, 1488, 1587, 1689, 1690, 1778, 1815.
- 906—McCartney—An Act to amend Section 4231 of the Political Code of the State of California, relating to salaries of officers of counties of the second class, their deputies and assistants.
Senate action and reference: pp. 480, 1105, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1541, 1595, 1596, 1717, 1718.
- 907—McCartney—An Act to amend Section 25 of the Civil Code, defining who are minors.
Senate action and reference: p. 480.

- 908—Curtin—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 3591², providing for the time when the statute of limitations shall commence to run against the stockholders in all private corporations, and prescribing the time thereafter within which an action may be commenced against the stockholders of any insolvent private corporation.
Senate action and reference: pp. 480, 609, 673, 719, 720, 860, 1030, 2090.
Assembly action and reference: pp. 982, 983, 1119, 1502, 1700, 1795, 1884, 1885.
- 909—Caminetti—An Act to amend Section 1662 of the Political Code.
Senate action and reference: p. 480.
- 910—Martinelli—An Act to provide for the completion of the cottage at Mendocino State Hospital, now in progress of erection under the provisions of an Act entitled "An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.
Senate action and reference: pp. 480, 927, 985, 987, 1279, 1327, 1328, 1403, 1404, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1389, 1493, 1537, 1538, 1919, 1924, 1925.
- 911—Martinelli—An Act to amend Section 4258 of the Political Code, as amended in 1907, Statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.
Senate action and reference: pp. 480, 568, 644, 719, 720, 863, 1294, 1560, 1729.
Assembly action and reference: pp. 915, 916, 1193, 1238.
- 912—Boynton—An Act to provide for the expenses of operating and conducting the University Farm and School of Agriculture thereon to June 30, 1909, and appropriating money therefor.
Senate action and reference: pp. 481, 717, 718, 806, 822, 824, 1290, 1714, 1715, 1867.
Assembly action and reference: pp. 1268, 1270, 1390, 1493, 1495, 1538, 1918, 1923, 1925.
- 913—Welch—An Act to add a new section to the Political Code of the State of California, to be known as Section 3251 thereof, providing pay for holidays for employees of the State of California or of any political subdivision thereof.
Senate action and reference: pp. 481, 929, 1237, 1369, 1472, 1575, 1657, 1739, 1769, 2106.
Assembly action and reference: pp. 1686, 1702, 1777, 1894, 1895.
- 914—Price—An Act to amend Section 1075 of the Political Code, relating to the itemizing of claims against a county.
Senate action and reference: p. 481.
- 915—Price—An Act to amend section one of an Act entitled "An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.
Senate action and reference: p. 481.
- 916—Wolfe—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered —, relating to the making of false statements in writing by any person respecting his own or another's financial condition, for the purpose of procuring a loan or credit in any form for himself or for another person, and relating to the procuring of credit on such false statements, and prescribing penalties therefor.
Senate action and reference: p. 481.
- 917—Wolfe—An Act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.
Senate action and reference: pp. 481, 827, 963, 1091, 1093, 1221, 1369, 1423, 1469, 1793, 1794, 1902, 2097.
Assembly action and reference: pp. 1394, 1395, 1563, 1632.
- 918—Wolfe—An Act to add to the Penal Code of the State of California a new section, to be numbered 587d, to prevent entering upon or alighting from railroad trains while in motion.
Senate action and reference: p. 481.

- 919—Wolfe—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*a*, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violations of such prohibition.
Senate action and reference: pp. 481, 827, 963, 1091, 1093, 1255, 1758, 1866, 2099.
Assembly action and reference: pp. 1267, 1269, 1365, 1492, 1534, 1535.
- 920—Wolfe—An Act to add to the Penal Code of the State of California a new section, to be numbered 587*b*, to prevent trespassing upon locomotives, tenders, cars, and trains.
Senate action and reference: p. 481.
- 921—Martinelli—An Act to amend Section 4248 of the Political Code as amended in 1907, Statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.
Senate action and reference: pp. 482, 568, 645, 719, 720, 817, 818, 917, 919, 1027, 1294, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1147, 1193, 1239.
- 922—Walker—An Act to amend Section 121 of the Code of Civil Procedure, prescribing the powers and jurisdiction of police court.
Senate action and reference: p. 501.
- 923—Wolfe—An Act entitled an Act to amend Section 1737 of the Code of Civil Procedure, relating to public administration.
Senate action and reference: pp. 501, 1100, 1223, 1313, 1314, 1364.
- 924—Wolfe—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered as Section 526*a*, relating to actions by taxpayers against officers and agents of any county, town, city or city and county in said State.
Senate action and reference: pp. 501, 827, 962, 1226, 1793, 1794, 1902, 2097.
Assembly action and reference: pp. 1216, 1217, 1388, 1592, 1634.
- 925—Weed—An Act to appropriate money for the payment of the claim of Geo. W. Bush.
Senate action and reference: pp. 502, 1062, 1271, 1326, 1328, 1401, 1714, 1715, 1867, 2095.
Assembly action and reference: pp. 1370, 1371, 1390, 1493, 1495, 1538, 1919, 1924, 1925.
- 926—Bell—An Act to amend Section 4013 of the Political Code and to add a new section to said Code, to be known and numbered as Section 4152*a*, creating the office of divorce examiner in each county, and providing for his powers, duties and compensation.
Senate action and reference: pp. 502, 1101, 1102.
- 927—Bell—An Act to amend Section 446 of the Code of Civil Procedure, relating to the signing and verification of pleadings.
Senate action and reference: pp. 502, 1101, 1102.
- 928—Bell—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1019, relating to the service of pleadings and papers in actions for divorce.
Senate action and reference: pp. 502, 1101, 1307, 1437, 1438, 1507.
Assembly action and reference: pp. 1434, 1435, 1668, 1775, 1879, 1884.
- 929—Bell—An Act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons and complaint, and to add a new section to the Code of Civil Procedure, to be numbered Section 1018, relating to the service of pleadings and papers in action for divorce and annulment of marriage.
Senate action and reference: pp. 502, 1101, 1307, 1437, 1438, 1507.
- 930—Bell—An Act to amend Section 387 of the Code of Civil Procedure, relating to intervention.
Senate action and reference: pp. 502, 1101, 1102.
- 931—Sanford—An Act to add a new section to the Political Code, to be numbered 4271*a*, authorizing board of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.
Senate action and reference: pp. 502, 612, 679, 719, 720, 870, 1032, 1294, 1560, 1729.
Assembly action and reference: pp. 982, 983, 1147, 1193, 1240.
- 932—Sanford—An Act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.
Senate action and reference: pp. 502, 612, 679, 719, 720, 871, 1032, 1294, 1560, 1728.
Assembly action and reference: pp. 982, 983, 1147, 1193, 1240.

- 933—Martinelli—An Act to amend an Act entitled "An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of state prisons," approved March 18, 1907, by amending Sections 1572, 1574, 1577, 1578 and 1582 of the Penal Code, relating to the government and management of state prisons.
Senate action and reference: pp. 502, 791, 839, 958, 1091, 1093, 1255, 1387.
- 934—Martinelli—An Act to authorize and empower the State Board of Prison Directors to insure jute and jute goods against either fire or marine loss and to pay the costs for such insurance from the revolving fund for the purchase of jute.
Senate action and reference: pp. 502, 790, 839, 918, 919, 1148, 1348, 1349.
- 935—Hare—An Act prohibiting ring fights, prize fights, glove contests or any other premeditated fight, contest or contention (by whosoever name or names it or they may be called), and prescribing penalties for the violation thereof.
Senate action and reference: p. 503.
- 936—McCartney—An Act to amend Section 4 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of foods.
Senate action and reference: pp. 503, 721, 808, 823, 824, 1144, 1492, 1688, 1729.
Assembly action and reference: pp. 1152, 1212, 1343, 1353.
- 937—McCartney—An Act to add a new section to the Penal Code, to be numbered Section 139, relating to deceit, fraud, connivance and collusion in divorce actions and providing punishment therefor.
Senate action and reference: pp. 503, 659, 798, 822, 824, 1116, 1611, 1612, 1694, 1705, 1706.
Assembly action and reference: pp. 1577, 1578, 1913.
- 938—McCartney—An Act to amend Section 22 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.
Senate action and reference: pp. 503, 658, 796, 798.
- 939—McCartney—An Act to promote education regarding the laws of nature, governing the parents, governing reproduction, and making an appropriation therefor.
Senate action and reference: pp. 503, 783, 832, 918, 919, 1279, 2105.
Assembly action and reference: pp. 1267, 1269, 1711, 1776, 1896, 1918.
- 940—McCartney—An Act to make Good Friday a legal holiday.
Senate action and reference: p. 503.
- 941—Price—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the State prisons.
Senate action and reference: pp. 503, 1512, 1593, 1639, 1773, 2093, 2118.
Assembly action and reference: pp. 1686, 1711, 1776, 1880, 1889.
- 942—Roseberry—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto, to be numbered Sections 69a and 69b, relating to the issuance of marriage licenses.
Senate action and reference: pp. 503, 1101, 1308, 1437, 1438, 1507, 1508.
- 943—Roseberry—An Act to amend Section 198 of the Civil Code, relating to the care, custody, education and control of minors.
Senate action and reference: pp. 503, 828, 965, 981, 982, 1337.
- 944—Roseberry—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.
Senate action and reference: pp. 504, 660, 661, 798, 830, 918, 919, 1066, 1136, 1224, 1504, 1505, 1714, 1715, 1867, 2095.
Assembly action and reference: pp. 1216, 1217, 1365, 1491, 1534.

- 945—Thompson—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 133, relating to service of summons and complaint in divorce actions.
Senate action and reference: pp. 504, 1101, 1308, 1541, 1542, 1618.
- 946—Thompson—An Act to add a new section to the Civil Code of the State of California, to be numbered 108, relating to conviction of felony as ground for divorce.
Senate action and reference: pp. 504, 1102.
- 947—Thompson—An Act to amend Sections 90, 91, 92, and 131 of the Civil Code of the State of California, relating to dissolution of marriage and legal separation.
Senate action and reference: pp. 504, 1102.
- 948—Thompson—An Act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.
Senate action and reference: pp. 504, 690, 803, 916, 919, 1089.
- 949—Thompson—An Act to amend section eight hundred fifty of the Code of Civil Procedure of California, relating to the setting of the hearing of issues of law and of fact in Justice Courts.
Senate action and reference: p. 504.
- 950—Thompson—An Act to amend section eight hundred ninety of the Code of Civil Procedure of California, relating to judgments of dismissal in civil actions in Justice Courts.
Senate action and reference: p. 504.
- 951—Thompson—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 890a, relating to dismissals of civil actions in Justice Courts.
Senate action and reference: p. 504.
- 952—Thompson—An Act to add three new sections to the Code of Civil Procedure of California, to be known as Sections 927, 928, and 928a, all relating to notices in civil actions in Justices' Courts.
Senate action and reference: p. 504.
- 953—Thompson—An Act to amend Section 598 of the Civil Code of the State of California, relating to the sale, mortgage, and bonding of real property owned by corporations organized for purposes other than profit.
Senate action and reference: p. 504.
- 954—Thompson—An Act to amend Section 848 of the Code of Civil Procedure of California, relating to service of summons in Justices' Courts.
Senate action and reference: pp. 504, 659, 798, 822, 824, 1116, 1492, 1688, 1729.
Assembly action and reference: pp. 1110, 1111, 1211, 1343, 1353.
- 955—Thompson—An Act to amend the Political Code by adding a new section, to be numbered 1894, relating to school buildings, school sites, and playgrounds.
Senate action and reference: p. 505.
- 956—Thompson—An Act to add a new section to the Penal Code of California, to be known and numbered as Section 308b, relating to the use of textbooks in the public schools.
Senate action and reference: pp. 505, 657, 796, 822, 824, 1077, 1499, 1500, 1688, 2094.
Assembly action and reference: pp. 1031, 1032, 1149, 1242, 1325, 1356.
- 957—Wright—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to population of counties.
Senate action and reference: pp. 505, 661, 799, 822, 824, 1118, 1714, 1715, 1867.
Assembly action and reference: pp. 1111, 1301, 1485, 1525.
- 958—Wright—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties and creating a new class, to be known as the thirty-sixth and one-half class.
Senate action and reference: pp. 505, 661, 799, 822, 824, 1119, 1714, 1715, 1867, 2096.
Assembly action and reference: pp. 1111, 1301, 1486, 1526.
- 959—Wright—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.
Senate action and reference: pp. 505, 661, 799, 822, 824, 1119, 1714, 1715, 1867, 2095.
Assembly action and reference: pp. 1111, 1301, 1486, 1526.

- 960—Wright—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five *a*, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.
Senate action and reference: pp. 565, 660, 661, 798, 847, 848, 1116, 1117, 1313, 1314, 1669, 1670, 1981, 2116.
Assembly action and reference: pp. 1517, 1518, 1620, 1698, 1861.
- 961—Wright—An Act to amend section four thousand two hundred and thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.
Senate action and reference: pp. 505, 661, 799, 847, 848, 1117, 1118, 1313, 1314, 1689, 1981, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1698, 1862.
- 962—Wright—An Act making an appropriation to pay the claim of Montgomery M. Moulton.
Senate action and reference: p. 505.
- 963—Stetson—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer the estate of deceased persons.
Senate action and reference: p. 505.
- 964—Curtin—An Act to add a new section to the Political Code of California, to be numbered 1622*a*, relating to apportionment of school funds.
Senate action and reference: pp. 528, 657, 796, 847, 848, 1079, 1731, 1732, 1809, 2112.
Assembly action and reference: pp. 1031, 1032, 1319, 1486, 1546, 1609.
- 965—Thompson—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 3785*a*, relating to deeds to the State under sales made to the State prior to March 28, 1895, for delinquent State and county taxes, and authorizing certain persons to represent the State in the giving of notices, and relating to the redemption of such property and also to the resale thereof.
Senate action and reference: pp. 528, 659, 798, 822, 824, 1080, 1393, 1654, 2094.
Assembly action and reference: pp. 1031, 1032, 1110, 1191, 1238.
- 966—Thompson—An act to amend the Penal Code of California by adding a new section thereto, to be known and numbered as Section 308*a*, relating to the protection of children of the public schools.
Senate action and reference: p. 528.
- 967—Miller—An Act to amend Section 3518 of the Political Code, relating to duplicates for lost certificates of purchase of State lands.
Senate action and reference: pp. 528, 688, 802, 822, 824, 1121, 1714, 1715, 1867, 2097.
Assembly action and reference: pp. 1111, 1364, 1491, 1533.
- 968—Miller—An Act to amend Section 240 of the Code of Civil Procedure, relating to photographer reporters for Superior Courts and providing for their appointment and duties, and also providing for copies of proceedings by them in certain cases.
Senate action and reference: pp. 528, 827, 1091, 1093, 1255, 1793, 1794, 1902.
Assembly action and reference: pp. 1267, 1269, 1388, 1592, 1634.
- 969—Wright—An Act to repeal an Act entitled "An Act to prevent fishing, or the taking of fish by the means of wiers, dams, nets, traps or seines in the bay of San Diego, or in the entrance thereto."
Senate action and reference: pp. 528, 661, 799, 822, 824, 1119, 1930, 1931, 1971.
Assembly action and reference: pp. 1111, 1521, 1605, 1807, 1808.
- 970—Bell—An Act to amend sections nine hundred and eighty-six and nine hundred and ninety-one of the Code of Civil Procedure, both relating to subpoenas.
Senate action and reference: pp. 528, 688, 802, 824, 1120, 1793, 1794, 1902.
Assembly action and reference: pp. 1111, 1388, 1592.
- 971—Kennedy—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 401*b*, relating to cubic air in places of amusement.
Senate action and reference: p. 528.
- 972—Lewis—An Act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of Chapter 172 of the Statutes of 1907, and making an appropriation therefor.
Senate action and reference: pp. 528, 755, 986, 987, 1281, 1327, 1328, 1405.

- 973—Sanford—An Act to amend section six hundred and ninety-two of the Code of Civil Procedure, relating to the notice of sale of property on execution.
Senate action and reference: pp. 529, 827, 962, 1091, 1093, 1255, 1322, 1999, 2117.
Assembly action and reference: pp. 1267, 1269, 1621, 1698, 1860, 1884.
- 974—Sanford—An Act to provide for the purchase of portraits of former Governor George C. Pardee, and Lieutenant Governor Alden Anderson, by the State Board of Examiners, and to appropriate money therefor.
Senate action and reference: pp. 529, 1138, 1274, 1438, 1640, 1913, 1970.
Assembly action and reference: pp. 1516, 1518, 1604, 1605, 1790.
- 975—Holohan—An Act to amend section twenty-six hundred and forty-three of the Political Code, relating to duties of supervisors respecting roads.
Senate action and reference: p. 529.
- 976—Bills—An Act to prohibit within certain limits the mooring and anchoring of houseboats in rivers and streams and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.
Senate action and reference: pp. 529, 830, 947.
- 977—Bills—An Act to amend Section 2302 of the Political Code, relating to the salary of the State Librarian.
Senate action and reference: pp. 529, 875, 975, 1092, 1093, 1343, 1714, 1715, 1867, 2095.
Assembly action and reference: pp. 1348, 1349, 1367, 1493, 1495, 1536, 1919, 1923, 1925.
- 978—Cutten—An Act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish and maintain ferries across such rivers or stream and to pay the expenses thereof.
Senate action and reference: pp. 529, 930, 1301, 1360, 1361, 1504, 1959, 2114.
Assembly action and reference: pp. 1434, 1435, 1563, 1692, 1821.
- 979—Cutten—An Act to add a new section to the Penal Code of California, to be numbered 536, relating to the duties of commission merchants, brokers, factors, and consignees.
Senate action and reference: pp. 529, 851, 852, 972, 1092, 1093, 1319, 1794, 1902.
Assembly action and reference: pp. 1266, 1268, 1413, 1594, 1637.
- 980—Cutten—An Act to amend Sections 653c, 653d, and 653l, of the Civil Code of the State of California, all relative to cooperative business associations.
Senate action and reference: pp. 529, 828, 965, 982, 1171, 1915, 1917, 1971.
Assembly action and reference: pp. 1197, 1413, 1601, 1779, 1815.
- 981—Black—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered 19½, providing for the completion of sidewalk in any block where a portion of the same has been constructed.
Senate action and reference: p. 529.
- 982—Black—An Act to amend Sections 3 and 11 of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.
Senate action and reference: pp. 530, 720, 806, 823, 824, 1141, 1794, 1902, 2096.
Assembly action and reference: pp. 1152, 1439, 1597, 1645.

- 983—Curtin—An Act validating the issuance of bonds by joint union high school districts.
Senate action and reference: pp. 530, 690, 803, 822, 824, 1122, 1492, 1688, 1729.
Assembly action and reference: pp. 1111, 1112, 1213, 1343, 1354.
- 984—Anthony—An Act establishing the indeterminate sentence for persons convicted of crime, regulating the disciplinary management of the State prisons in conformity with the purpose of such sentences, and providing for the parole of prisoners and for the government of paroled prisoners.
Senate action and reference: pp. 543, 990, 991.
- 985—Willis—An Act to amend Sections 2, 3, and 4 of an Act entitled "An Act to provide for the dissolution of irrigation districts, and ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, and relating to the dissolution of irrigation districts and the ascertainment and discharge of their indebtedness.
Senate action and reference: p. 570.
- 986—Caminetti—An Act to amend Section 261 of the Penal Code of the State of California, defining the crime of rape.
Senate action and reference: p. 570.
- 987—Holohan—An Act to repeal an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and the ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.
Senate action and reference: p. 570.
- 988—Holohan—An Act to repeal an Act entitled "An Act supplementary to an Act entitled an Act creating a state commission on voting and balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts in any county, or city and county, city or town, at any or all elections held therein, and ascertaining the result of such election; providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and providing for the testing and inspection of such machines," approved March 19, 1907.
Senate action and reference: p. 570.
- 989—Holohan—An Act to amend Section 925 of the Penal Code, relating to grand juries.
Senate action and reference: pp. 570, 1364, 1586, 1737, 1941, 1942.
- 990—Sanford—An Act fixing a bounty on coyote scalps.
Senate action and reference: pp. 570, 784, 833, 953, 1224, 1733, 1735, 1809.
Assembly action and reference: pp. 1216, 1217, 1321, 1367, 1487, 1546, 1547, 1585, 1918, 1923, 1925.
- 991—Sanford—An Act to prohibit alien ownership of lands in the State of California.
Senate action and reference: p. 571.
- 992—Weed—An Act to decrease the number of judges of the Superior Court of the county of Shasta, State of California, from two to one.
Senate action and reference: pp. 571, 987.
- 993—Birdsall—An Act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting, and operating a sawmilling plant and quarters thereon.
Senate action and reference: pp. 571, 748, 749, 809, 823, 824, 1291, 1714, 1715, 1867.
Assembly action and reference: pp. 1268, 1270, 1390, 1493, 1495, 1539, 1918, 1923, 1925.
- 994—Martinelli—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard," approved March 22, 1905, by amending Sections 2, 6, 7, 8 and 9, in relation to the issuing of bonds, and by amending Section 11 thereof, in relation to gifts and donations, and by amending Section 12 thereof in relation to reconstruction of country roads and public highways within boulevard districts.
Senate action and reference: pp. 571, 993, 1303, 1360, 1361, 1914, 1951.
Assembly action and reference: pp. 1432, 1435, 1500, 1600, 1785.

- 995—Martinelli—An Act to amend an Act entitled "An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation of suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith, by amending Section 7 of said Act.
Senate action and reference: pp. 571, 787, 788, 836, 917, 919, 1614, 1630.
- 996—Welch—An Act to amend Section 3076 of the Political Code.
Senate action and reference: pp. 571, 989, 990, 1302, 1360, 1361, 1476.
Assembly action and reference: pp. 1395, 1396, 1661, 1774.
- 997—Welch—An Act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.
Senate action and reference: pp. 571, 990, 1322, 1369, 1481, 1482, 1794, 1902.
Assembly action and reference: pp. 1395, 1396, 1415, 1595, 1641.
- 998—Welch—An Act to provide for the incorporation, organization and management of municipal water districts.
Senate action and reference: pp. 572, 990, 1322, 1369, 1481, 1482, 1794, 1902.
Assembly action and reference: pp. 1395, 1396, 1415, 1595, 1641.
- 999—Thompson—An Act to add a new section to the Political Code of the State of California, to be known as Section 3495a, and relating to applications to purchase State lands, and requiring a deposit of money to accompany the application and providing for the filing of additional applications.
Senate action and reference: pp. 572, 851, 852, 972, 1092, 1093, 1342, 1962, 2115.
Assembly action and reference: pp. 1347, 1349, 1501, 1692, 1820.
- 1000—Thompson—An Act to amend Section 3495 of the Political Code of the State of California, relating to school lands belonging to the State, and the affidavit on applications to purchase the same.
Senate action and reference: pp. 572, 851, 852, 973, 1092, 1093, 1342.
Assembly action and reference: pp. 1347, 1349, 1501, 1691, 1819.
- 1001—Thompson—An Act to amend Section 3498 of the Political Code of the State of California, relating to approvals of applications for State lands.
Senate action and reference: pp. 572, 851, 852, 973, 1092, 1093, 1342.
Assembly action and reference: pp. 1347, 1349, 1501, 1691, 1819.
- 1002—Thompson—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.
Senate action and reference: pp. 572, 690, 803, 822, 824, 1122, 1492, 1688, 1729.
Assembly action and reference: pp. 1111, 1112, 1213, 1344, 1354.
- 1003—Thompson—Appropriating forty-four dollars to pay the claim of W. S. Kingsbury.
Senate action and reference: pp. 572, 923, 924, 1271, 1326, 1328, 1401, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1390, 1493, 1495, 1539, 1919, 1924, 1925.
- 1004—McCartney—An Act to amend section two of "An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions," approved March 15, 1907.
Senate action and reference: pp. 572, 1297, 1348, 1369, 1391, 1392.
- 1005—McCartney—An Act to amend section two of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and all amendments thereto.
Senate action and reference: p. 572.

- 1006—Strobridge—An Act to appropriate money for promoting the study of agriculture in elementary and secondary schools.
Senate action and reference: p. 573.
- 1007—Burnett—An Act to amend Section 3821 of the Political Code, providing for certain action to be taken by the auditor in the examination of the assessment books of the assessor, and for certain demands to be made upon the assessor by the auditor for the payment of personal property taxes, and the action to be taken thereon by the district attorney for the collection of said personal property taxes.
Senate action and reference: p. 573.
- 1008—Miller—An Act to amend Section 4266 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.
Senate action and reference: pp. 573, 753, 815, 823, 824, 1392.
- 1009—Cuttin—An Act to provide for the parole of prisoners confined in county jails and city prisons and authorizing and empowering boards of supervisors and the governing bodies of municipalities to make rules and regulations in relation thereto.
Senate action and reference: pp. 573, 1138, 1139, 1310, 1541, 1542, 1578, 1963, 1964, 2115.
Assembly action and reference: pp. 1618, 1696, 1846.
- 1010—Cuttin—An Act to appropriate money to protect the banks of Mad River from erosion by means of riprap or jetty work, or both, along the banks thereof.
Senate action and reference: pp. 573, 1590.
- 1011—Black—An Act to regulate the sale of tickets for places of amusement.
Senate action and reference: p. 573.
- 1012—Roseberry—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act in force relating to the same, approved March 23, 1901, except Section 2 thereof, and amended March 20, 1903, March 20, 1905, March 6, 1907.
Senate action and reference: p. 573.
- 1013—Leavitt—An Act to amend Sections 385 and 386 of the Political Code, relating to the salaries of the Private Secretary and the Executive Secretary of the Governor.
Senate action and reference: pp. 612, 875, 979, 982, 1502.
Assembly action and reference: pp. 1433, 1435, 1458, 1599, 1783, 1784, 1798, 1920, 1924, 1925.
- 1014—Leavitt—An Act to add a new section to the Political Code, relating to certificates of purchase.
Senate action and reference: p. 612.
- 1015—Leavitt—An Act to amend Section 1398 of the Political Code, relating to the authority of the Surveyor General as agent of the State to locate lands in the United States land offices.
Senate action and reference: p. 612.
- 1016—Leavitt—An Act to amend Sections 3495 and 3496 of the Political Code, relative to applications to purchase State lands, and requiring proof of character and settlement.
Senate action and reference: p. 612.
- 1017—Leavitt—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Aetna Life Insurance Company, of Hartford, Connecticut, against the State of California.
Senate action and reference: pp. 612, 986, 987, 1281, 1327, 1328, 1405, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1493, 1495, 1539, 1540, 1919, 1924, 1925.
- 1018—Leavitt—An Act to appropriate the sum of \$1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.
Senate action and reference: pp. 613, 986, 987, 1281, 1327, 1328, 1405, 1406, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1540, 1919, 1924, 1925.
- 1019—Leavitt—An Act to appropriate the sum of \$800.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1406, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1540, 1919, 1924, 1925.

- 1020—Leavitt—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1406, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1540, 1919, 1924, 1925.
- 1021—Leavitt—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1406, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1541, 1919, 1924, 1925.
- 1022—Leavitt—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1406, 1407, 1714, 1715, 1867.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1541, 1919, 1924, 1925.
- 1023—Leavitt—An Act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1407, 1714, 1715, 1868.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1541, 1919, 1924, 1925.
- 1024—Leavitt—An Act to appropriate the sum of \$903.72 to pay the claim of the Massachusetts Mutual Life Insurance Company of Springfield against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1407, 1714, 1715, 1868.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1541, 1919, 1924, 1925.
- 1025—Leavitt—An Act to appropriate the sum of \$1,100.30 to pay the claim of the Life Association of America against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1407, 1714, 1715, 1868.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1542, 1919, 1924, 1925.
- 1026—Leavitt—An Act to appropriate the sum of sixty and 60-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.
Senate action and reference: pp. 613, 986, 987, 1282, 1327, 1328, 1408, 1714, 1715, 1868.
Assembly action and reference: pp. 1370, 1371, 1391, 1494, 1495, 1542, 1920, 1924, 1925.
- 1027—Leavitt—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating or procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.
Senate action and reference: pp. 613, 1371, 1591, 1638, 1639, 1771, 1856.
- 1028—Leavitt—An Act to amend Section 608 of the Political Code as to transfers from State to Federal Court.
Senate action and reference: pp. 613, 1371, 1591, 1638, 1639.
- 1029—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633b, relating to resident agents for insurance companies.
Senate action and reference: pp. 613, 1370, 1371, 1587, 1737.
- 1030—Leavitt—An Act to amend Section 594 of the Political Code, classifying insurance business and specifying required capital stock and available cash assets.
Senate action and reference: pp. 614, 1370, 1371, 1578, 1658, 1659, 1960, 2115.
Assembly action and reference: pp. 1517, 1518, 1563, 1692, 1828, 1829.
- 1031—Leavitt—An Act to amend Section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.
Senate action and reference: pp. 614, 1371, 1591, 1638, 1639, 1864.
- 1032—Leavitt—An Act to amend Section 618 of the Political Code, as to deposits required of insurance companies organized under the laws of this State.
Senate action and reference: pp. 614, 1371, 1591, 1638, 1639, 1864.

- 1033—Leavitt—An Act to amend Section 591a of the Political Code, as to deposits of insurance companies not organized under the laws of this State.
Senate action and reference: pp. 614, 1370, 1371, 1587, 1693, 1737, 1864.
- 1034—Leavitt—An Act to amend Section 602 of the Political Code, as to what constitutes insolvency of any insurance company.
Senate action and reference: pp. 614, 1279, 1370, 1371, 1588, 1737, 1864.
- 1035—Leavitt—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.
Senate action and reference: pp. 614, 1370, 1371, 1588, 1737.
- 1036—Leavitt—An Act to amend Section 623 of the Political Code, as to bonds of insurance companies.
Senate action and reference: pp. 614, 1371, 1589, 1737.
- 1037—Leavitt—An Act to repeal Section 600a of the Political Code, and to reenact same as Section 603a of the Political Code.
Senate action and reference: pp. 614, 1371, 1591, 1638, 1639, 1864.
- 1038—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as and numbered Section 633a, relating to insurance agents, solicitors and brokers.
Senate action and reference: p. 614.
- 1039—Leavitt—An Act to amend Section 607 of the Political Code, as to papers to be filed in the office of the Insurance Commissioner by insurance companies.
Senate action and reference: pp. 614, 1370, 1371, 1588, 1737.
- 1040—Leavitt—An Act to amend Section 605 of the Political Code, as to filing fees in the Insurance Commissioner's office.
Senate action and reference: pp. 614, 1805, 1833, 1864, 1870.
- 1041—Curtin—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905. Statutes of 1905, page 777 thereof.
Senate action and reference: pp. 614, 615, 669, 670, 824, 848, 1398.
Assembly action and reference: pp. 588, 705, 761.
- 1042—Hartman—An Act to amend Section 1550 of the Political Code of the State of California, relating to salaries of deputy superintendents of schools.
Senate action and reference: pp. 615, 787, 835, 836, 954, 1091, 1093, 1174, 1492, 1688, 1729.
Assembly action and reference: pp. 1197, 1198, 1213, 1344, 1354.
- 1043—Hartman—An Act relating to and providing as to the assignments of wages or salaries by employees.
Senate action and reference: pp. 615, 1062, 1306, 1361, 1506, 1617.
- 1044—Willis—An Act relating to annual reports of life insurance companies.
Senate action and reference: p. 615.
- 1045—Willis—An Act providing that life insurance policies shall constitute the entire contract.
Senate action and reference: pp. 615, 1371, 1588, 1737.
- 1046—Willis—An Act relating to the compensation of and contracts with officers, trustees, directors and employees of life insurance companies.
Senate action and reference: pp. 615, 1371, 1589, 1737.
- 1047—Willis—An Act prohibiting the use for political purposes of property of certain life insurance companies.
Senate action and reference: pp. 615, 1371, 1591, 1639.
- 1048—Willis—An Act relating to vouchers for certain disbursements of life insurance companies in this State.
Senate action and reference: pp. 615, 1371, 1591, 1639.
- 1049—Willis—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.
Senate action and reference: p. 615.
- 1050—Willis—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.
Senate action and reference: p. 615.
- 1051—Willis—An Act defining the status of persons soliciting life insurance.
Senate action and reference: pp. 615, 1371, 1591, 1639.
- 1052—Willis—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.
Senate action and reference: p. 615.
- 1053—Willis—An Act regulating the conditions and provisions to be contained in policies of life insurance companies by domestic companies or issued in this State.
Senate action and reference: p. 615.

- 1054—Willis—An Act to prohibit the wanton, wasteful and unnecessary cutting and destruction of small trees and chaparral growing upon wild or uncultivated land in this State situated upon the mountains and catchment basins from which cities, towns and communities receive their water supply, and to regulate the business of lumbering and cutting such trees and chaparral upon said lands, and to provide for the appointment of inspectors for said lands and making an appropriation to provide for the expenses in connection therewith.
Senate action and reference: pp. 615, 925.
- 1055—Willis—An Act to provide for the refurnishing of the offices of the Board of Railroad Commissioners of the State of California, and to make an appropriation therefor.
Senate action and reference: pp. 616, 923, 924, 1270, 1326, 1328, 1400, 1714, 1715, 1868.
Assembly action and reference: pp. 1370, 1371, 1390, 1493, 1495, 1539, 1920, 1924, 1925.
- 1056—Willis—An Act to amend Section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.
Senate action and reference: pp. 616, 788, 837, 918, 919, 1065, 1066, 1136, 1214, 1349.
- 1057—Caminetti—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.
Senate action and reference: pp. 616, 827, 828.
- 1058—Caminetti—An Act making an appropriation to complete the westerly section of the Mono Lake Basin state highway in Mono County, California.
Senate action and reference: p. 616.
- 1059—Caminetti—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays," approved March 23, 1901.
Senate action and reference: pp. 616, 827, 965, 1092, 1093, 1319, 1915, 1919, 1928, 1971.
Assembly action and reference: pp. 1266, 1268, 1389, 1593, 1781, 1828.
- 1060—Black—An Act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.
Senate action and reference: pp. 616, 990, 1302, 1360, 1361, 1365, 1794, 1902, 2097.
Assembly action and reference: pp. 1348, 1350, 1415, 1642.
- 1061—Black—An Act to authorize and empower the board of managers of the Agnew's State Hospital to sell and convey a portion of real property situate in Santa Clara County, in the State of California, and belonging to said State, to the Western Distilling Company.
Senate action and reference: pp. 616, 1044, 1304, 1432, 1438, 1505, 1914, 1915, 1970.
Assembly action and reference: pp. 1433, 1435, 1501, 1603, 1787.
- 1062—Black—An Act to amend Section 2 of an Act entitled an Act relating to revenue and taxation, providing for a license tax upon corporations for the purpose of carrying out the objects of such Act, approved March 20, 1905, and as amended by Act approved March 19, 1907, is hereby amended to read as follows:
Senate action and reference: p. 616.
- 1063—Black—An Act to declare the ownership of and provide for and regulate the diversion, distribution and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches and pipe lines; providing penalties for violations of this Act and the unlawful diversion or use of water, establishing a State board of engineers, etc.
Senate action and reference: p. 617.
- 1064—Rush—An Act to pay the claim of Henry Allen against the State of California, and making appropriation therefor.
Senate action and reference: p. 617.
- 1065—Martinelli—An Act authorizing and directing the State Board of Prison Directors to make an investigation and report to the Governor of and relating to the cost, management and government of a reformatory institution in this State, and making an appropriation therefor.
Senate action and reference: pp. 617, 1501, 1539, 1794, 1903.
Assembly action and reference: pp. 1434, 1435, 1440, 1458, 1596, 1644, 1920, 1924, 1925.

- 1066—Bills—An Act providing for the purchase and operation of an automobile for the use of the Governor of the State of California, and making an appropriation for the purpose of the Act.
Senate action and reference: p. 617.
- 1067—Bills—An Act providing for the construction of an executive mansion for the use of the Governor of the State of California, and his family, in the State Capitol Grounds at Sacramento, and also in connection therewith stables and garage, and authorizing and directing the State Engineer to cause the erection thereof, and also providing for the appointment of a commission to be known as the executive mansion commission, to act in conjunction with the State Engineer, and conferring certain powers and duties on said commission and also making an appropriation for the purposes of the Act.
Senate action and reference: pp. 617, 1355, 1409, 1542, 1650, 1960, 2115.
Assembly action and reference: pp. 1516, 1518, 1617, 1693, 1830, 1921, 1924, 1925.
- 1068—Bills—An Act to provide for the completion of the hospital for insane at Folsom State Prison, and making an appropriation therefor.
Senate action and reference: pp. 617, 1332, 1410, 1445, 1650, 1960, 2115.
Assembly action and reference: pp. 1516, 1518, 1617, 1693, 1830, 1921, 1924, 1925.
- 1069—Cartwright—An Act to add a new section to the Penal Code of the State of California, to be numbered 1398, relating to proceedings against associations.
Senate action and reference: p. 617.
- 1070—Cartwright—An Act to amend section one thousand three hundred and ninety of the Penal Code of the State of California, relating to proceedings against corporations.
Senate action and reference: p. 617.
- 1071—Cartwright—An Act to add a new section to the Penal Code of the State of California, to be numbered 1390a, relating to proceedings against corporations.
Senate action and reference: p. 617.
- 1072—Cartwright—An Act to amend section one thousand three hundred and ninety-one of the Penal Code of the State of California, relating to form of summons to be served on corporations in criminal proceedings.
Senate action and reference: p. 618.
- 1073—Cartwright—An Act to amend section one thousand three hundred and ninety-five of the Penal Code of the State of California, relating to proceedings against corporations.
Senate action and reference: p. 618.
- 1074—Cartwright—An Act to amend section one thousand three hundred and ninety-six of the Penal Code of the State of California, relating to proceedings against corporations.
Senate action and reference: p. 618.
- 1075—McCarthy—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.
Senate action and reference: pp. 618, 786, 787, 835, 918, 919, 1146, 1147, 1492, 1688, 1729.
Assembly action and reference: pp. 1152, 1153, 1284, 1345, 1355, 1356.
- 1076—McCartney—An Act providing for separation of certain territory from cities of the fourth, fifth and sixth classes.
Senate action and reference: pp. 618, 1448, 1593, 1737, 1773, 1857.
- 1077—Thompson—An Act to amend Section 1880 of the Political Code, relative to elections for issuance of school bonds.
Senate action and reference: pp. 618, 927, 1300, 1438, 1503, 1930, 1931, 1971.
Assembly action and reference: pp. 1433, 1435, 1527, 1605, 1808.
- 1078—Thompson—An Act to amend Section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.
Senate action and reference: pp. 618, 848, 966, 982, 1338, 1714, 1715, 2095.
Assembly action and reference: pp. 1347, 1349, 1365, 1492, 1534.
- 1079—Thompson—An Act to amend Section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.
Senate action and reference: pp. 618, 848, 966, 982, 1338, 1714, 1715, 1868, 2095.
Assembly action and reference: pp. 1347, 1349, 1365, 1492, 1534.

- 1080—Thompson—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.
Senate action and reference: pp. 618, 923, 924, 1271, 1326, 1328, 1349.
- 1081—Thompson—An Act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland National Forest, formerly San Jacinto Forest Reserve, etc.
Senate action and reference: pp. 618, 926, 1299, 1360, 1361, 1392.
- 1082—Thompson—An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876.
Senate action and reference: pp. 619, 828, 965, 981, 982, 1081, 1126, 1337, 1392.
- 1083—Lewis—An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.
Senate action and reference: pp. 619, 926, 1299, 1360, 1361, 1473.
- 1084—Holohan—An Act to amend Section 4242 of the Political Code, relating to the compensation of officers of counties of the thirteenth class.
Senate action and reference: pp. 619, 788, 837, 918, 919, 1689, 1817, 1839, 1883.
- 1085—Holohan—An Act to amend Section 4261 of the Political Code, relating to salaries and fees of officers in counties of the thirty-second class.
Senate action and reference: pp. 619, 788, 837, 919, 1689, 1785.
- 1086—Holohan—An Act to amend Section 1570 of the Penal Code of the State of California, relating to fines.
Senate action and reference: p. 619.
- 1087—Holohan—An Act to amend Section 4300*g* of the Political Code of the State of California, relating to witness fees.
Senate action and reference: pp. 619, 1061, 1305, 1437, 1438, 1505, 1617, 1704, 1705, 1868, 1999, 2118.
Assembly action and reference: pp. 1394, 1396, 1456, 1598, 1780, 1828.
- 1088—Holohan—An Act to amend Section 5 and Section 10 of an Act entitled "To provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.
Senate action and reference: pp. 619, 1060, 1061, 1304, 1437, 1438, 1472, 1473, 1915, 1920, 1929, 1971.
Assembly action and reference: pp. 1394, 1396, 1456, 1598, 1780, 1828.
- 1089—Campbell—An Act appropriating money to pay the claim of the county of San Luis Obispo against the State of California.
Senate action and reference: p. 619.
- 1090—Stetson—An Act to amend Section 7 of an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.
Senate action and reference: p. 619.
- 1091—Bates—An Act to amend an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensations of said officers thereof," approved March 21, 1905, by repealing Section 7 thereof.
Senate action and reference: pp. 620, 1082, 1307, 1361, 1506, 1507, 1988, 1989, 2117.
Assembly action and reference: pp. 1434, 1435, 1661, 1774, 1879.
- 1092—Bates—An Act to amend Section 4300*a* of the Political Code, relating to fees to be charged and collected by the county clerk.
Senate action and reference: p. 620.
- 1093—Bates—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the object of this Act," approved March 13, 1907.
Senate action and reference: p. 620.

- 1094—Bates—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, amended March 1, 1907, and relating to the creation of a law library fund.
Senate action and reference: p. 620.
- 1095—Bates—An Act to amend Subdivision 30 of Section 1041 of the Political Code of the State of California.
Senate action and reference: p. 620.
- 1096—Bates—An Act to repeal an Act approved March 23, 1907, and entitled "An Act relating to life, health and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance."
Senate action and reference: p. 620.
- 1097—Bates—An Act to repeal an Act approved March 19, 1907, and entitled "An Act providing for the organization and management of mutual fire insurance companies."
Senate action and reference: p. 620.
- 1098—Bates—An Act to repeal Chapter VI of Title II of Part IV of Division 1 of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and each and every section of said chapter and to repeal the Act approved March 20, 1905, adding said chapter to said Civil Code, and to repeal Act approved March 19, 1891, and entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance."
Senate action and reference: p. 620.
- 1099—Roseberry—An Act to provide for a state highway from the Rincon Creek, at a point near the Pacific Ocean, to the city of Ventura, and to make an appropriation therefor.
Senate action and reference: p. 621.
- 1100—Wright—An Act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.
Senate action and reference: pp. 621, 829, 839, 840, 969, 982, 1227, 1312, 1313, 1356, 1863, 1901, 2111.
Assembly action and reference: pp. 1348, 1349, 1585, 1586, 1646, 1647, 1669, 1708.
- 1101—Wright—An Act to amend Section 1084 of the Political Code, relating to the qualifications and disabilities of an elector.
Senate action and reference: p. 621.
- 1102—Wright—An Act to amend Section 4230 of the Political Code of the State of California, relating to the salaries and fees of county officers.
Senate action and reference: pp. 621, 850, 851, 968, 1092, 1093, 1453, 1637, 1639, 1665, 1666, 2100, 2118.
Assembly action and reference: pp. 1517, 1518, 1662, 1775, 1893, 1894.
- 1103—Wright—An Act to amend Sections 1230, 1235, and 1238 of the Political Code, relating to the challenging of persons offering to vote at elections.
Senate action and reference: p. 621.
- 1104—Cutten—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 415½, relating to the office of the Secretary of State.
Senate action and reference: pp. 621, 819, 985, 1062, 1295, 1296, 1541, 1542, 1598.
- 1105—Cutten—An Act to amend Section 322 of the Civil Code of the State of California, relating to liability of stockholders.
Senate action and reference: pp. 621, 852, 974, 1092, 1093, 1343.
Assembly action and reference: pp. 1348, 1349, 1913.
- 1106—Cutten—An Act to add a new section to the Political Code, to be numbered 4284a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-fifth class.
Senate action and reference: pp. 621, 828, 965, 981, 982, 1337.
Assembly action and reference: pp. 1347, 1349, 1413, 1594, 1779.
- 1107—Cutten—An Act to add a new section to the Political Code, to be numbered 4281a, relating to and fixing the compensation of grand and trial jurors in the Superior Courts in counties of the fifty-second class.
Senate action and reference: pp. 621, 828, 965, 981, 982, 1337, 1794, 1903, 2096.
Assembly action and reference: pp. 1347, 1349, 1413, 1594, 1637, 1759.

- 1108—Cutten—An Act to amend Section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.
Senate action and reference: pp. 621, 789, 837, 919, 1454, 1638, 1639, 1667, 1737, 1771, 1819, 1989, 2117.
Assembly action and reference: pp. 1705, 1761, 1776, 1881.
- 1109—Cutten—An Act to add a new section to the Code of Civil Procedure of California, to be known as section fourteen hundred and fifty-five, relating to the collection of moneys belonging to estates of deceased persons, and on deposit in banks.
Senate action and reference: pp. 622, 1719, 1720, 1721.
- 1110—Cutten—An Act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1681, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1697, 1851.
- 1111—Cutten—An Act to amend section four hundred and eighty-four of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1681, 1964, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1693, 1842, 1921, 1924, 1925.
- 1112—Cutten—An Act to amend section five hundred and thirteen of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1682, 1963, 1964, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1693, 1843, 1921, 1924, 1925.
- 1113—Cutten—An Act to amend section four hundred and seventy-one of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1675, 1682, 1963, 1964, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1694, 1843, 1921, 1924, 1925.
- 1114—Cutten—An Act to amend section four hundred and fifty-five of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1682, 1963, 1964, 2115.
Assembly action and reference: pp. 1197, 1577, 1578, 1617, 1694, 1843, 1921, 1924, 1925.
- 1115—Cutten—An Act to amend section four hundred and thirty-eight of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1682, 1963, 1964, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1694, 1843, 1921, 1924, 1925.
- 1116—Cutten—An Act to amend Section 417 of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1682, 1683, 1963, 1964, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1694, 1844, 1921, 1924, 1925.
- 1117—Cutten—An Act to amend Section 397 of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1481, 1638, 1639, 1686, 1964, 2116.
Assembly action and reference: pp. 1578, 1579, 1620, 1694, 1697, 1851, 1852.
- 1118—Cutten—An Act to amend section three hundred and eighty-four of the Political Code of the State of California.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1683, 2115.
Assembly action and reference: pp. 1577, 1578, 1617, 1694, 1844, 1921, 1924, 1925.
- 1119—Cutten—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the service of summons in civil actions in Justices' Courts.
Senate action and reference: pp. 622, 1719, 1720, 1721.
- 1120—Cutten—An Act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.
Senate action and reference: pp. 622, 1103, 1478, 1542, 1683, 1981, 2116.
Assembly action and reference: pp. 1577, 1578, 1622, 1698, 1862.

- 1121—Cutten—An Act to amend Section 1468 of the Code of Civil Procedure of California.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1122—Cutten—An Act to amend Section 199 of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.
Senate action and reference: pp. 623, 1103, 1478, 1542, 1683, 1964, 2116.
Assembly action and reference: pp. 1577, 1578, 1620, 1697, 1852.
- 1123—Cutten—An Act to add a new section to the Code of Civil Procedure of California, to be numbered seven hundred and fifty *a*, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1124—Cutten—An Act to add a new section to the Civil Code of the State of California, to be known as section one hundred and forty-nine, relating to appeals in divorce proceedings.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1125—Cutten—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1126—Cutten—An Act to amend section thirty-seven hundred and ninety-three of the Political Code of the State of California, relating to the fee for seizure or sale of personal property for delinquent taxes.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1127—Cutten—An Act to repeal section thirteen hundred and seventy of the Code of Civil Procedure, relating to the appointment of a married woman as administratrix of an estate of a deceased person.
Senate action and reference: pp. 623, 1719, 1720, 1721.
- 1128—Cutten—An Act to repeal section thirteen hundred and fifty-two of the Code of Civil Procedure of California, relating to executors and guardians of minors.
Senate action and reference: pp. 623, 1719, 1720, 1721.
- 1129—Cutten—An Act to repeal sections thirty-three hundred and seventy-six, thirty-three hundred and seventy-seven, thirty-three hundred and seventy-eight, thirty-three hundred and seventy-nine, thirty-three hundred and eighty, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two, thirty-three hundred and eighty-three, thirty-three hundred and eighty-four, thirty-three hundred and eighty-five, thirty-three hundred and eighty-six, and thirty-three hundred and eighty-seven of the Political Code of the State of California.
Senate action and reference: pp. 623, 1718, 1831, 1869, 1870.
- 1130—Leavitt—An Act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.
Senate action and reference: pp. 631, 986, 987, 1282, 1328, 1408, 1915, 1916, 1970.
Assembly action and reference: pp. 1370, 1371, 1597, 1779, 1815, 1920.
- 1131—Willis—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of navigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by adding a new section thereto, to be numbered Section 28½, relating to maintenance of protection districts.
Senate action and reference: pp. 631, 1082, 1306, 1360, 1361, 1506, 1989, 2117.
Assembly action and reference: pp. 1434, 1435, 1661, 1774, 1878.
- 1132—Burnett—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.
Senate action and reference: pp. 631, 1301, 1541, 1542, 1617, 1718.
- 1133—Anthony—An Act to add a new section to the Political Code, to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages, in connection with the English branches.
Senate action and reference: pp. 631, 848, 969, 982, 985, 1314, 1805, 2094.
Assembly action and reference: pp. 1266, 1268, 1319, 1445, 1483.

- 1134—McCartney—An Act validating the title to lands selected by the State in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States, and vesting the title of the State to such surveyed school sections in the United States.
Senate action and reference: pp. 632, 1061, 1305, 1360, 1361, 1383, 1542, 1598.
- 1135—McCartney—An Act to prohibit persons from stealing or attempting to steal rides on railroad trains, engines or cars, or from climbing thereon while the same are standing still or in motion, and to provide a penalty and punishment therefor.
Senate action and reference: p. 632.
- 1136—Black—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating liquors within or contiguous to certain State buildings and grounds.
Senate action and reference: pp. 632, 1544, 1667, 1737, 1956, 1957.
- 1137—Bills—An Act to amend Section 457 of the Political Code.
Senate action and reference: pp. 632, 788.
- 1138—Cartwright—An Act to amend Section 4236 of the Political Code, relating to county and township officers of counties of the seventh class.
Senate action and reference: pp. 636, 850, 1101, 1170, 1171, 1369, 1484, 1485, 1914, 1970, 2111.
Assembly action and reference: pp. 1395, 1396, 1457, 1599, 1782.
- 1139—Willis—An Act to amend Section 1936 of the Code of Civil Procedure, relating to what shall constitute prima facie evidence.
Senate action and reference: pp. 636, 1001, 1307, 1360, 1361, 1507.
Assembly action and reference: pp. 1434, 1435, 1914.
- 1140—McCartney—An Act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to the setting apart of property exempt from execution for the use of the family.
Senate action and reference: pp. 636, 851, 972, 982, 1342, 1794, 1903, 2097.
Assembly action and reference: pp. 1347, 1349, 1388, 1592, 1635.
- 1141—McCartney—An Act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.
Senate action and reference: pp. 636, 851, 971, 982, 1341, 1794, 1903, 2097.
Assembly action and reference: pp. 1347, 1349, 1388, 1593, 1635.
- 1142—McCartney—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 1465½, relating to notices to be given of petitions to set aside exempt property for the use of the family.
Senate action and reference: pp. 637, 851, 852, 973, 1092, 1093, 1343, 1794, 1903, 2097.
Assembly action and reference: pp. 1348, 1349, 1388, 1593, 1636.
- 1143—McCartney—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the dispositions of life estates and homestead property on owner's death in certain cases.
Senate action and reference: pp. 637, 852, 974, 1092, 1093, 1322, 1323, 1794, 1903.
Assembly action and reference: pp. 1267, 1269, 1388, 1593, 1636.
- 1144—Black—An Act to add a new section to the Penal Code, to be known as Section 172a, relating to the selling, giving away or exposing for sale of any vinous or alcoholic liquors upon or within one and one-half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.
Senate action and reference: pp. 637, 851, 852, 972, 1092, 1093, 1161, 1994, 2117.
Assembly action and reference: pp. 1197, 1410, 1699, 1868, 1869, 1883.
- 1145—Roseberry—An Act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.
Senate action and reference: pp. 649, 848.
- 1146—Hare—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.
Senate action and reference: pp. 649, 1062, 1173, 1174, 1369, 1425, 1959, 2114.
Assembly action and reference: pp. 1369, 1370, 1501, 1603, 1786, 1787, 1798, 1799, 1800, 1852.

- 1162—Bell—An Act to prohibit State, county and municipal employees and officials holding office by appointment from participation in partisan politics.
Senate action and reference: p. 662.
- 1163—Bell—An Act creating a state highway commission, prescribing its duties, and providing for their compensation.
Senate action and reference: p. 662.
- 1164—Bell—An Act making an appropriation to pay the claim of Charles Grimes against the State of California.
Senate action and reference: p. 662.
- 1165—Bell—An Act concerning actions for divorce and annulment of marriage and the trial and costs thereof; providing for the investigation and contest of such action by the State; providing for the appointment of divorce examiners and deputy divorce examiners, and prescribing their qualifications, duties, powers, terms of office and compensation, and providing for the powers of courts and judges with respect to the appointment of divorce examiners and deputy divorce examiners and removal of same.
Senate action and reference: pp. 662, 1102, 1660, 1369, 1426, 1427.
- 1166—Reily—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 301½, relating to theatres and shows, upon Sunday, the first day of the week.
Senate action and reference: p. 662.
- 1167—Reily—An Act appropriating money to pay the claim of S. B. Sumner against the State of California.
Senate action and reference: pp. 663, 986, 987, 1223, 1313, 1314.
Assembly action and reference: pp. 1266, 1268, 1918.
- 1168—Estudillo—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."
Senate action and reference: pp. 663, 1058, 1059.
- 1169—Estudillo—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.
Senate action and reference: pp. 663, 851, 968, 1092, 1093, 1689.
- 1170—Price—An Act to amend Section 4235 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the sixth class.
Senate action and reference: pp. 663, 929, 1412, 1513, 1514, 1638, 1639, 1690, 1750, 1989, 1990, 1991, 2009, 2107, 2108.
Assembly action and reference: pp. 1663, 1702, 1759, 1761, 1879, 1886, 1887, 1901.
- 1171—Price—An Act to amend section one of an Act entitled "An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.
Senate action and reference: pp. 663, 1501, 1639, 1663, 1960, 2115.
Assembly action and reference: pp. 1517, 1518, 1618, 1732, 1831, 1921, 1924, 1925.
- 1172—Price—An Act making an appropriation to pay the claim of Sonoma County against the State of California.
Senate action and reference: p. 663.
- 1173—Hurd—An Act to amend an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements," approved March 24, 1903, by amending Sections 6, 8, 9, 10, 11, 12, 14, and 16 of said Act, and relating to the bringing of actions for the condemnation of property necessary or convenient for the laying out, opening, extending, widening or straightening of public streets, squares, lanes, alleys, courts and places within municipalities; to the appointment, powers, duties and compensation of referees; to the assessing of compensation and damages for the taking of property for said purposes; to the hearing of reports of referees; to the trial and dismissal of such actions, and to the making and completion of assessments for said improvements.
Senate action and reference: pp. 663, 1120, 1310, 1368, 1369, 1375, 1376, 1377, 1378, 1379, 1561, 1665, 1963, 1964, 2115.
Assembly action and reference: pp. 1517, 1518, 1618, 1696, 1845.

- 1174—Hurd—An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvements, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby.
Senate action and reference: pp. 663, 1120, 1309, 1363, 1489, 1490, 1958, 2114.
Assembly action and reference: pp. 1395, 1396, 1562, 1606, 1809, 1841.
- 1175—Hare—An Act to amend the Penal Code of the State of California by amending Section 382 thereof, relative to the adulteration of foods.
Senate action and reference: pp. 664, 1601, 1829, 1900, 1901, 1947.
- 1176—Hare—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.
Senate action and reference: p. 664.
- 1177—Martinelli—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1426*a*, relating to the time within which prosecutions for misdemeanor may be commenced.
Senate action and reference: pp. 664, 1328, 1464, 1491, 1608, 1609, 1964, 2116.
Assembly action and reference: pp. 1477, 1478, 1620, 1697.
- 1178—Martinelli—An Act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trials.
Senate action and reference: pp. 664, 1512, 1585, 1639, 1706, 1930, 1971.
Assembly action and reference: pp. 1577, 1578, 1620, 1811.
- 1179—Martinelli—An Act to amend an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897, by amending section seventeen of said Act.
Senate action and reference: pp. 664, 987, 1320, 1369, 1425, 1794, 1903.
Assembly action and reference: pp. 1369, 1370, 1414, 1416, 1458, 1595, 1639, 1920, 1924, 1925.
- 1180—Welch—To prevent the giving or offering to give acceptance from any fire insurance company, agent or representative, by any person, of any rebate, allowance or reduction from any premium of fire insurance.
Senate action and reference: p. 664.
- 1181—Welch—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.
Senate action and reference: pp. 664, 1181, 1311, 1368, 1369, 1392.
- 1182—Rush—An Act making an appropriation for the department of engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.
Senate action and reference: p. 664.
- 1183—Burnett—An Act to add a new section to the Code of Civil Procedure, to be known as Section 455*a*, relating to the pleading of written documents.
Senate action and reference: p. 664.
- 1184—Burnett—An Act to amend Section 1496 of the Code of Civil Procedure, relating to presentation, allowance and rejection of claims against the estates of deceased persons.
Senate action and reference: p. 664.
- 1185—Burnett—An Act to license the use of unsold tide lands of the State for oyster cultivation.
Senate action and reference: p. 665.
- 1186—Cutten—An Act to amend Section 869 of the Penal Code of the State of California.
Senate action and reference: pp. 665, 1431, 1592, 1737, 1770, 1771.
Assembly action and reference: pp. 1686, 1914.
- 1187—Anthony—An Act appropriating money to pay the claim of John P. Hare against the State of California.
Senate action and reference: p. 665.
- 1188—Thompson—An Act to amend Section 1662 of the Political Code of the State of California, relating to the number of years of instruction in the day and evening elementary schools; determine the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children, and authorizing the exclusion of children of filthy or vicious habits.
Senate action and reference: p. 665.

- 1189—Thompson—An Act to amend Section 1617 of the Political Code of the State of California, relating and defining the powers and duties of trustees of school districts and of boards of education in cities.
Senate action and reference: p. 665.
- 1190—Thompson—An Act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations in which such lands are situated, and repealing all Acts and parts of Acts in conflict herewith.
Senate action and reference: pp. 665, 1248, 1347, 1437, 1438, 1608, 1915, 1970, 2106.
Assembly action and reference: pp. 1477, 1478, 1501, 1603, 1787, 1788.
- 1191—Thompson—An Act authorizing municipal corporations to acquire and hold lands by lease or otherwise, for a term of years, for the purpose of developing and encouraging agricultural, horticultural, and botanical products, and exhibiting the same, and repealing all Act and parts of Acts in conflict with this Act.
Senate action and reference: pp. 665, 1108, 1309, 1541, 1542, 1618, 1931, 1971, 2111.
Assembly action and reference: pp. 1478, 1562, 1606, 1809.
- 1192—Thompson—An Act to amend Section 10 of an Act entitled "An Act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, in the State of California, to be known as the "Whittier State School," approved March 11, 1889, and amended March 23, 1893, and March 7, 1905, and February 7, 1907, all relating to the said Whittier State School.
Senate action and reference: pp. 665, 990.
- 1193—Thompson—An Act to amend an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water, in this State other than in any city, city and county or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, by adding thereto a new section to be numbered Section 10½.
Senate action and reference: pp. 666.
- 1194—Curtin—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.
Senate action and reference: pp. 666, 848, 966, 982, 1171, 1338, 1501.
- 1195—Boynton—An Act to amend Section 4131 of the Political Code of California, relating to the recording of instruments.
Senate action and reference: pp. 666, 926, 1299, 1360, 1361, 1365, 1470, 1575, 1657, 1989, 2117.
Assembly action and reference: pp. 1517, 1518, 1835, 1871, 1872.
- 1196—Boynton—An Act to amend Section 1365 of the Code of Civil Procedure of California, relating to the order of persons entitled to administer upon an estate, and providing that a partner shall not be appointed administrator.
Senate action and reference: pp. 666, 926, 1299, 1360, 1361, 1503, 1510.
Assembly action and reference: pp. 1434, 1435, 1502, 1603, 1628.
- 1197—Boynton—An Act to amend Section 1349 of the Code of Civil Procedure of California, relating to person or persons to whom letters testamentary on proved will may be issued.
Senate action and reference: pp. 666, 926, 1299, 1360, 1361, 1503, 1510.
Assembly action and reference: pp. 1434, 1435, 1502, 1604, 1628.
- 1198—Boynton—An Act to amend Section 4252 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the twenty-third class.
Senate action and reference: pp. 666, 928, 929, 1412, 1445, 1690, 1817.
- 1199—Boynton—An Act to amend Section 4260 of the Political Code of California, relating to salaries and fees of officers of counties of the thirty-first class.
Senate action and reference: pp. 666, 929, 1412, 1445, 1577, 1657, 1989, 1990, 2118.
Assembly action and reference: pp. 1517, 1518, 1661, 1758, 1875, 1901.
- 1200—Walker—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3085, authorizing the use of burial permits issued by the authorities of one county in a county next adjoining the county in which said burial permit is issued.
Senate action and reference: p. 666.

- 1201—Leavitt—An Act for the regulation and control of fraternal benefit societies.
Senate action and reference: p. 666.
- 1202—Bates—An Act to amend Section 622a of the Political Code, relating to taxes on insurance premiums.
Senate action and reference: pp. 666, 1431, 1592, 1737, 1856.
Assembly action and reference: pp. 1728, 1914.
- 1203—Bills—An Act appropriating the sum of five thousand dollars (\$5,000.00) for the purposes of repairing the green house, walks and grounds of the State Capitol at Sacramento.
Senate action and reference: pp. 667, 1249, 1334, 1541, 1655, 1737, 1816, 1960, 2115.
Assembly action and reference: pp. 1705, 1792, 1793, 1834, 1922, 1924, 1925.
- 1204—Bills—An Act providing for the selection of a site for a state printing office, at the city of Sacramento, California, providing for the appointment of a commission to select said site, and providing for the erection of a building on said site, and appropriating money therefor.
Senate action and reference: pp. 667, 1355, 1410, 1542, 1650, 1960, 2115.
Assembly action and reference: pp. 1516, 1518, 1618, 1695, 1832, 1921, 1924, 1925.
- 1205—Bills—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.
Senate action and reference: p. 667.
- 1206—Bills—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensations of such officers and providing for the creation, division, and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905.
Senate action and reference: p. 667.
- 1207—Bills—An Act providing for the government of consolidated swamp land, levee, or reclamation districts.
Senate action and reference: pp. 667, 992, 1303, 1360, 1361, 1365, 1794, 1903, 2097.
Assembly action and reference: pp. 1348, 1349, 1515, 1595, 1640.
- 1208—Bills—An Act to amend an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said district; defining the powers, duties and compensations of such officers, and providing for the creation, division and management of reclamation, swamp land, levee drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district."
Senate action and reference: p. 667.
- 1209—Bills—An act authorizing property owners or their grantees or assignees to sue the State of California for damages done to real property situated at Wood Island, county of Sacramento, by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," making an appropriation therefor, and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.
Senate action and reference: p. 667.
- 1210—Committee on Public Buildings and Grounds. An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.
Senate action and reference: pp. 668, 800.
- 1211—Stetson—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.
Senate action and reference: pp. 668, 987, 1321, 1438, 1469.
Assembly action and reference: pp. 1434, 1435.
- 1212—Lewis—An Act to amend Section 4187 of the Political Code.
Senate action and reference: pp. 668, 1332, 1579, 1694, 1705, 1989, 2117.
Assembly action and reference: pp. 1577, 1578, 1776, 1880.

- 1213—Caminetti—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.
Senate action and reference: pp. 668, 1871, 1872, 1900, 1901, 1936, 1937.
Assembly action and reference: pp. 1839, 1853, 1873.
- 1214—Caminetti—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the disposition thereof.
Senate action and reference: pp. 668, 1871, 1872, 1873, 1900, 1901, 1940.
Assembly action and reference: pp. 1839, 1853, 1873.
- 1215—Caminetti—An Act providing for the holding of a special election in the State of California to enable electors thereof to vote upon all proposed constitutional amendments and such laws as require the consent of the people, adopted and passed at the thirty-eighth session of the Legislature.
Senate action and reference: pp. 668, 928, 1300, 1438, 1503, 1617.
- 1216—Caminetti—An Act conferring certain powers on the State Board of Railroad Commissioners and making an appropriation to carry the same into effect.
Senate action and reference: pp. 668, 849, 1061, 1355, 1411, 1542, 1608, 1860.
- 1217—McCartney—An Act to amend Section 739 of the Political Code of the State of California.
Senate action and reference: pp. 669, 875, 978, 1093, 1345, 1959, 1992.
Assembly action and reference: pp. 1348, 1349, 1367, 1591, 1592, 1779, 1807, 1853, 1919, 1923, 1925.
- 1218—McCartney—An Act to promote education in literature, music and the fine arts, and making an appropriation therefor.
Senate action and reference: p. 669.
- 1219—Walker—An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protecting and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers.
Senate action and reference: pp. 682, 850, 967, 968, 1092, 1093, 1225, 1930, 1931, 1971.
Assembly action and reference: pp. 1216, 1217, 1521, 1605, 1807.
- 1220—Caminetti—An Act relating to prosecutions under Sections 628^b, 632 and 632½ of the Penal Code, and to define prima facie evidence thereunder.
Senate action and reference: pp. 682, 827, 963, 1091, 1093, 1336, 1795.
Assembly action and reference: pp. 1347, 1348, 1387, 1593, 1633, 1886.
- 1221—Bills—An Act to amend Sections 3493^m and 3493ⁿ of the Political Code, relating to the sale of lands uncovered by the recession of drainage of waters of inland lakes, or heretofore or hereafter uncovered as a result of any artificial change in the channel of any navigable water course, and unsegregated swamp and overflowed lands, the said sections being a part of Chapter I, of Title VIII, of Part III of the Political Code, and being known as Article IIa.
Senate action and reference: pp. 683, 992, 1303, 1437, 1438, 1504, 1509, 1595, 1725, 1726.
Assembly action and reference: p. 1609.

- 1222—Bills—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as 869a thereof, relating to the continuance in force of attachments in Justices' Courts pending appeal.
Senate action and reference: p. 683.
- 1223—Bills—An Act to forbid the collection of witness fees by public officers.
Senate action and reference: p. 683.
- 1224—Holohan—An Act to amend Section 3780 of the Political Code as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.
Senate action and reference: pp. 683, 1720, 1832, 1900, 1901, 1912, 1929, 1971.
Assembly action and reference: pp. 1814, 1815.
- 1225—Thompson—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.
Senate action and reference: pp. 683, 1876, 1877, 1961, 2115.
Assembly action and reference: pp. 1768, 1769, 1771, 1823, 1824.
- 1226—Wright—An Act to amend Section 1192 of the Political Code of the State of California, relating to certificates of nomination.
Senate action and reference: p. 683.
- 1227—Wright—An Act to amend Section 2545 of the Political Code of the State of California, relative to qualifications of officers.
Senate action and reference: p. 683.
- 1228—Black—An Act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements.
Senate action and reference: pp. 742, 990, 1303, 1360, 1361, 1476, 1794, 1903.
Assembly action and reference: pp. 1395, 1396, 1415, 1595, 1642.
- 1229—Sanford—An Act to amend Section 3681 of the Political Code of the State of California, relating to the revision of the assessment list by supervisors of counties.
Senate action and reference: pp. 742, 1105, 1418, 1542, 1581, 1595, 1658, 1659, 1769, 1855, 1879.
- 1230—Sanford—An Act to amend Section 3676 of the Political Code of the State of California, relating to the subpoena of witnesses and taking evidence by the supervisors of a county when acting as a county board of equalization.
Senate action and reference: pp. 743, 1105, 1106, 1418, 1542, 1606.
- 1231—Burnett—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.
Senate action and reference: pp. 743, 985, 1302, 1541, 1542, 1617, 1718.
- 1232—Miller—An Act to legalize, confirm, and validate tax deeds made to the State of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of section thirty thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.
Senate action and reference: pp. 912, 1061, 1306, 1361, 1506, 1981, 2117.
Assembly action and reference: pp. 1434, 1435, 1620, 1697, 1890.
- 1233—Willis—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.
Senate action and reference: pp. 913, 1107, 1309, 1361, 1477.
- 1234—Bates—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.
Senate action and reference: pp. 914, 1100, 1101, 1307, 1361, 1387.
- 1235—Leavitt—An Act transferring money from the general fund to the State printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.
Senate action and reference: pp. 914, 923, 933, 934, 1047, 1112, 1399.
Assembly action and reference: pp. 947, 951, 952.

- 1236—Wright—An Act validating deeds made to the State for property sold for non-payment of taxes where the deed to the State was not made within the time referred to in any law of this State, but made subsequently thereto and subsequently sold by the tax collector pursuant to authorization of the State Controller, and validating sales and deeds made pursuant thereto of property sold to the State for non-payment of taxes, and where the deeds to the State have not been made within the time referred to by any law of the State, and where the property has subsequently been sold by the tax collector pursuant to authorization issued by the State Controller, and where the said tax collector shall have failed or neglected to register the notice required to be mailed or given.
Senate action and reference: p. 932.
- 1237—Wright—An Act to amend Section 1430 of the Code of Civil Procedure of California, relating to the disqualification of a judge in probate proceedings.
Senate action and reference: pp. 932, 1181, 1311, 1368, 1369, 1608, 1666.
Assembly action and reference: pp. 1517, 1518, 1914.
- 1238—Stetson—An Act to amend section nine of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.
Senate action and reference: pp. 933, 1340, 1453, 1637, 1639, 1659, 1963, 1964, 2116.
Assembly action and reference: pp. 1367, 1517, 1518, 1618, 1696, 1845, 1846.
- 1239—Boynton—An Act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California as recommended in the special report of the California Debris Commission, dated June 30, 1907, and made jointly by John Biddle, Lieutenant Colonel, Corps of Engineers; C. H. McKinstry, Major, Corps of Engineers, and Thomas H. Jackson, Captain Corps of Engineers, of United States Army, and printed with the annual report of the Chief of Engineers of United States Army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.
Senate action and reference: pp. 1059, 1104, 1131, 1256, 1727.
Assembly action and reference: pp. 1100, 1101.
- 1240—Price—An Act making an appropriation for the maintenance and improvement of the buildings of the Mission of St. Francis de Solano, situated at Sonoma, California.
Senate action and reference: pp. 1060, 1501, 1580, 1584, 1639, 1648, 1960, 2115.
Assembly action and reference: pp. 1516, 1518, 1618, 1695, 1832, 1921, 1924, 1925.
- 1241—Willis—An Act amending the Political Code of the State of California, by adding thereto a new section, to be known as Section 3443a, relating to the tide lands of the State, and to the sale and purchase thereof.
Senate action and reference: pp. 1144, 1329, 1484, 1638, 1639, 1661, 1994, 2118.
Assembly action and reference: pp. 1517, 1518, 1605, 1791, 1854, 1860, 1861, 1883, 1900.
- 1242—Wolfe—An Act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.
Senate action and reference: pp. 1247, 1431, 1454, 1455, 1638, 1639, 1768, 1889, 2117.
Assembly action and reference: pp. 1686, 1853, 1862, 1871, 1872.
- 1243—Black—An Act to amend section two hundred and eighty b of the Code of Civil Procedure of California.
Senate action and reference: pp. 1334, 1372, 1439, 1440, 1799, 1903, 2096.
Assembly action and reference: pp. 1394, 1395, 1593, 1638.
- 1244—Caminetti—An Act to amend the Political Code of the State of California by adding thereto a new article, to be designated and numbered Article IXa, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools.
Senate action and reference: pp. 1358, 2109.
- 1245—McCartney—An Act to amend Sections 409 and 410 of the Political Code of California, relating to the distribution of statutes, journals, reports of State officers and Commissions, and reports of the Supreme and Appellate Courts.
Senate action and reference: pp. 1360, 1373, 1439, 1440, 1794, 1903, 2096.
Assembly action and reference: pp. 1394, 1395, 1593, 1638.

- 1246—Miller—An Act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to and authorizing executors, administrators and guardians to make leases of the real estate of decedents.
Senate action and reference: pp. 1370, 1439, 1440, 1794, 1903, 2096.
Assembly action and reference: pp. 1394, 1395, 1594, 1639.
- 1247—Black—An Act to amend the Political Code of the State of California by adding a new section, to be numbered section four thousand one hundred and thirty-five *a*, validating improperly recorded instruments, and providing for the indexing thereof.
Senate action and reference: pp. 1547, 1667, 1694, 1708, 1959, 2114.
Assembly action and reference: pp. 1577, 1578, 1692, 1693, 1822.
- 1248—Cutton—An Act to amend section 1764 of the Code of Civil Procedure of the State of California, relating to appointment of guardians of insane and incompetent persons.
Senate action and reference: pp. 1548, 1755, 1831.
- 1249—Boynton—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes," etc.
Senate action and reference: pp. 1723, 1792, 1833, 1870, 1890, 1931, 1972.
Assembly action and reference: pp. 1795, 1801.
- 1250—Leavitt—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-eighth session of the Legislature.
Senate action and reference: pp. 1724, 1756, 1829, 1853, 1854, 1864, 1903, 2095.
Assembly action and reference: pp. 1715, 1764, 1765, 1922, 1924, 1925.
- 1251—Leavitt—An Act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the Legislature, and directing the State Controller and State Treasurer to make such transfers.
Senate action and reference: pp. 1792, 1823, 1833, 1870, 1876, 1893, 1901.
Assembly action and reference: pp. 1767, 1768.
- 1252—Miller—An Act to amend Section 3458 of the Political Code of the State of California, relating to reclamation districts.
Senate action and reference: pp. 1865, 1886, 1888, 1989, 2117.
Assembly action and reference: pp. 1795, 1858, 1871, 1873.
- 1253—Caminetti—An act to amend Section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.
Senate action and reference: pp. 1949, 1955, 1956, 1989, 2117.
Assembly action and reference: pp. 1870, 1871, 1873.
- 1254—Caminetti—An Act to amend Section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.
Senate action and reference: pp. 1949, 1955, 1956, 1989, 2117.
Assembly action and reference: pp. 1870, 1871, 1872.

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- 1—Curtin—Relative to the separation of State and county taxes.
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- 2—Estudillo—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to the boards of education and text-books and providing for free text-books.
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- 3—Curtin—Relative to the State and county boards of equalization and their powers and duties.
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- 4—Campbell—Relative to the railroad commission.
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- 5—Anthony—Relative to abolishing poll tax.
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- 6—Black—Relative to legislative powers and reserving to the people of the State of California the power to propose legislation, laws and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature.
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- 7—Birdsall—Relative to propose to the people of the State of California an amendment to Sections 5 and 6 of Article IV of the Constitution of the State, relating to the composition of the Assembly.
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- 8—Anthony—Relative to exempting personal property from taxation.
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- 9—Anthony—Relative to providing for initiative or the enactment of certain laws in the State Legislature by popular vote.
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- 10—Anthony—Relative to referendum, or ratification and rejection by popular vote of legislative enactments, in cities, counties and cities and counties.
Senate action and reference: p. 60.
- 11—Curtin—Relative to proposed amendment to Article 13 of the Constitution, providing that a mortgage, deed of trust, contract or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending Section 1 and repealing Section 4 of Article XIII of the Constitution of the State of California.
Senate action and reference: pp. 61, 443, 554, 555, 557, 558, 655, 699, 700, 854, 1023, 1025, 1394, 1653, 2000.
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- 12—Anthony—Relative to recall by electors of elective officials.
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- 13—Anthony—Relative to this State acquiring lands by reversion and remainder over.
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- 14—Stetson—Relative to the formation of new counties and cities and counties.
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- 15—Savage—Relative to the exemption from taxation of all the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use and occupation thereof.
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- 16—Savage—To propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in common schools throughout the State.
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- 17—McCartney—Relative to the number of the members of the grand jury.
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- 19—Anthony—Relative to exempting small water craft from taxation to encourage maritime skill among the Californians.
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- 23—Reily—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 7, Article IX, of said Constitution, relating to text-books to be used in the public schools.
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- 24—Anthony—To propose to the people of the State of California an amendment to Article IX, Section 6, of the Constitution of the State of California, relative to mode of selecting superintendents of schools.
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- 25—Sanford—Proposed amendment to Section 9 of Article II of the Constitution, relative to the compensation of officers and the extension of the term of officers.
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- 26—Caminetti—A resolution to propose to the State of California an amendment to the Constitution of the State of California by adding a new section to Article IV thereof, to be designated Section 38, relating to the establishment, construction and maintenance of state railway highways for steam, electric, motor and other train service.
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- 27—Burnett—Proposed amendment to Article VI of the Constitution, relative to Superior Courts.
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- 28—Burnett—Proposed amendment to Article I of the Constitution, relative to trial by jury.
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- 29—Burnett—Proposed amendment to Article VI of the Constitution, relative to the appellate jurisdiction of the Supreme Court and of the District Court of Appeal in criminal cases.
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- 31—Anthony—Proposed amendment to Article IX of the Constitution, relative to election of superintendents of schools.
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- 35—Anthony—Proposed amendment to Article IX of the Constitution, relative to election of superintendent of schools.
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Assembly action and reference: pp. 1266, 1268, 1500, 1589.
- 37—Black—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7, Article IX thereof, relating to boards of education.
Senate action and reference: pp. 481, 656, 738, 739, 777, 866, 1029, 1893, 1894.
Assembly action and reference: pp. 982, 983, 1149, 1213, 1345, 1346, 1450, 1470, 1567, 1712.
- 38—Willis—Relative to formation of new counties.
Senate action and reference: pp. 501, 1106, 1606, 1639, 1964, 2116.
Assembly action and reference: pp. 1517, 1519, 1621, 1809, 1810, 1811, 1852, 1853.
- 39—McCartney—Proposed amendment to add a new section to Article XIII of the Constitution, to be numbered Section 14, relative to taxation.
Senate action and reference: p. 529.
- 40—Caminetti—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature.
Senate action and reference: pp. 570, 829, 1146, 1317.
- 41—Sanford—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Sections 22 and 23 of Article XII thereof.
Senate action and reference: p. 571.
- 42—Thompson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 3 of Article IX of said Constitution, relating to election of superintendent of schools.
Senate action and reference: p. 572.
- 43—Thompson—Proposed amendment to Article IX of the Constitution, relative to schools, their government and taxation.
Senate action and reference: p. 572.
- 44—Leavitt—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending Section 5, Article XII of the Constitution of the State of California.
Senate action and reference: pp. 573, 791, 872, 918, 919, 1389, 1391, 1653.
Assembly action and reference: pp. 947, 1213, 1288, 1289.
- 45—Willis—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article VI, relating to charging juries, and appeals in criminal cases.
Senate action and reference: pp. 616, 926, 1252.
- 46—Burnett—Relative to cities, counties and towns.
Senate action and reference: p. 621.

- 47—Black—Proposed amendment to Article XI of the Constitution, relative to taxes upon public or municipal corporations and raising of money for the support of public schools.
Senate action and reference: p. 637.
- 48—Anthony—Proposed amendment to Article XI of the Constitution, relative to county support of indigent veteran soldiers, sailors and marines of the Mexican, Civil, Spanish, or Indian wars, or Philippine insurrection, together with their indigent families, and providing an optional county tax of not greater than one fifth of a mill therefor.
Senate action and reference: pp. 665, 992, 1486, 1488, 1517, 1518, 1602, 1603, 1604, 1707, 1869, 1870.
- 49—Stetson—Proposed amendment to Article IX of the Constitution, relative to the University of California.
Senate action and reference: p. 668.
- 50—Caminetti—Proposed amendment to Article XI of the Constitution, relative to county charters.
Senate action and reference: pp. 668, 1106, 1419, 1542, 1606, 1607.
- 51—Caminetti—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to Senatorial legislative districts.
Senate action and reference: pp. 682, 928, 1252, 1253, 1614, 1615, 1736, 1737.

INDEX TO SENATE CONCURRENT RESOLUTIONS.

- 1—Roseberry—Approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.
Senate action and reference: pp. 106, 170, 181, 193, 217, 224, 281, 354, 419.
Assembly action and reference: pp. 296, 297, 313, 331.
- 2—Wright—Approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.
Senate action and reference: pp. 209, 258, 265, 271, 309, 339.
Assembly action and reference: pp. 273, 274.
- 3—Willis—Relative to approving three certain amendments to the charter of the city of San Bernardino.
Senate action and reference: pp. 290, 359, 363, 365, 381, 562, 2060.
Assembly action and reference: pp. 408, 430, 501, 625, 626.
- 4—Wright—Relative to the Alaska-Yukon-Pacific Exposition.
Senate action and reference: pp. 322, 357, 394, 441, 452, 2107.
Assembly action and reference: pp. 427, 746.
- 5—Committee on Rules—Relative to Joint Rules.
Senate action and reference: pp. 378, 391, 393, 520, 653.
Assembly action and reference: pp. 398, 480.
- 6—Black—Approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.
Senate action and reference: pp. 451, 527, 580, 592, 655, 744, 820.
Assembly action and reference: pp. 588, 705.
- 7—Birdsall—Relative to actions brought by the United States against citizens of this State.
Senate action and reference: p. 480.
- 8—Martinelli—Relative to approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.
Senate action and reference: pp. 603, 989, 1348.
- 9—Hurd—Relative to approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, at a special municipal election held therein on the second day of February, 1909.
Senate action and reference: pp. 618, 829, 1005, 1019, 1090, 1093, 1234, 1559.
Assembly action and reference: pp. 1111, 1112, 1175.
- 10—Stetson—Relative to approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.
Senate action and reference: pp. 619, 620, 989, 1348.
- 11—Anthony—Relative to appointment of a President Lincoln Monument Commission.
Senate action and reference: pp. 665, 848, 1148, 1178, 1492, 1688, 1978.
Assembly action and reference: pp. 1198, 1320, 1352.
- 12—Caminetti—Relative to the Acting Railroad Commissioners of the State of California, and their removal from office.
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- 13—Bell—Relative to approving eighteen certain amendments to the charter of the city of Pasadena.
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Assembly action and reference: pp. 1121, 1164, 1165.
- 14—Wolfe—Relative to final adjournment.
Senate action and reference: pp. 1179, 1664, 1737.
Assembly action and reference: p. 1609.
- 15—Willis—Relative to inauguration of Hon. William H. Taft and Hon. James S. Sherman.
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Assembly action and reference: p. 1217.
- 16—Price—Relative to the encouragement of the viticultural industry of the State of California.
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- 17—Leavitt—Relative to certain amendments to the charter of the city of Oakland.
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- 18—Burnett—Relative to heating and ventilating plant of Senate and Assembly Chambers and committee rooms, etc.
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- 19—Wolfe—Relative to considering bills in both houses.
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- 20—Leavitt—Relative to the consent of the Legislature to the absence of the Governor from the State.
Senate action and reference: pp. 1923, 1965, 1966, 2106, 2118.
Assembly action and reference: pp. 1869, 1897.
- 21—Curtin—Relative to leaves of absence to certain Senators.
Senate action and reference: pp. 1923, 1968, 1969, 2118.
Assembly action and reference: pp. 1869, 1897.
- 22—Leavitt—Relative to final adjournment.
Senate action and reference: pp. 1977, 2010, 2092, 2099, 2100, 2101, 2118, 2119.
Assembly action and reference: pp. 1869, 1891, 1894, 1895, 1901.

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- 1—Wolfe—Relative to a joint resolution in Congress confirming a grant of privileges made by the Secretary of the Interior Department for reservoir sites in the Hetch Hetchy Valley and at Lake Eleanor, in the Yosemite National Park and Forest Reserves, etc.
Senate action and reference: pp. 35, 36, 43, 44, 48, 161, 162.
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- 2—Anthony—Relative to purchase by Federal Government of Henry ranch at Atascadero, California, for military camps, maneuvers and rifle ranges, for regular troops and National Guard.
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- 3—Sanford—Relative to transportation rates and urging our representatives in Congress to support measures granting increased powers to the Interstate Commerce Commission.
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- 4—Black—Relative to the establishment of a parcels post.
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Assembly action and reference: p. 464.
- 5—Cullen—Relative to a bill in Congress appropriating money for the improvement of the entrance to Humboldt Bay, California.
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Assembly action and reference: pp. 273, 274, 344.
- 6—Anthony—Relative to illegal extermination of Alaskan fur seals, menace of Japanese immigration, new Pacific frontier of the United States, and stationing battle fleet on the Pacific.
Senate action and reference: pp. 137, 852, 988, 1042, 1093, 1251, 1252, 2106.
Assembly action and reference: pp. 1271, 1362, 1418, 1895, 1898.
- 7—Caminetti—Relative to Asiatic immigration.
Senate action and reference: pp. 184, 852, 988, 1042, 1093, 1251, 1252, 2106.
Assembly action and reference: pp. 1271, 1362, 1418, 1895, 1898.
- 8—Willis—Relative to a joint resolution to the United States Board of Engineers and Harbors, petitioning said board to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.
Senate action and reference: pp. 209, 220, 224, 225.
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- 9—Savage—Relative to requesting the Secretary of War to advise the United States Board of Engineers for Rivers and Harbors to reconsider its action on the report of Captain Amos A. Fries, dated December 17, 1907, relative to the dredging of the channel in San Pedro harbor, California.
Senate action and reference: pp. 289, 327, 328, 356, 449.
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- 10—Anthony—Relative to added pay for officers and crews of subsidized American steamships.
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- 11—Anthony—Relative to Japanese Consul at San Francisco attempting to prevent legislation by the California Legislature.
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- 12—Boynton—Relating to irrigation by the United States Reclamation Service, in California.
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- 13—Wolfe—Relative to a decision rendered by the Department of Agriculture, and designated as "Food Inspectors Decision, No. 76," limiting the amount of sulphur dioxide that may be used in dried fruit for interstate shipment.
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- 14—Caminetti—Relative to the preservation of the grove of Chinamen Big Trees.
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- 15—Willis—Relating to the changing of old names of the United States Forest Reserves.
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- 16—Cartwright—Relative to transportation rates, directing the Attorney General to bring suit to adjust the same, and making an appropriation out of the contingent fund of the Senate and Assembly therefor.
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- 17—Sanford—Relative to Japanese immigration and naturalization.
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- 18—Caminetti—A joint resolution, to provide for an examination into State insurance systems of various nations and states.
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- 19—Cutter—Relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.
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- 20—Cutter—Relative to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late War of the Rebellion.
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- 21—Estudillo—Relative to preservation of elk.
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- 22—Stetson—Relative to a proposed collateral inheritance tax.
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- 23—Cutter—Relative to maintaining without reduction the present tariff on wool.
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